

Draft DDI  
Nov. 1971

A N N E X E S

to

Staff Information Paper \_\_\_\_

ORIGIN OF DEFENSE-INFORMATION MARKINGS  
IN THE  
ARMY AND FORMER WAR DEPARTMENT

THE NATIONAL ARCHIVES  
NATIONAL ARCHIVES AND RECORDS SERVICE  
GENERAL SERVICES ADMINISTRATION  
WASHINGTON, 1972

ANNEX A

GENERAL ORDERS

No. 35.

HEADQUARTERS OF THE ARMY,

ADJUTANT GENERAL'S OFFICE,

Washington, April 13, 1869.

The following order, received from the War Department, is published for the information and guidance of all concerned:—

Commanding officers of troops occupying the regular forts built by the Engineer Department will permit no photographic or other views of the same to be taken without the permission of the War Department.

BY COMMAND OF GENERAL SHERMAN:

E. D. TOWNSEND,

*Assistant Adjutant General.*

OFFICIAL:

*Assistant Adjutant General.*

## ANNEX B

GENERAL ORDERS, } HEADQUARTERS OF THE ARMY,  
                              } ADJUTANT GENERAL'S OFFICE,  
                              } *Washington, March 1, 1897.*  
No. 9.

The following instructions of the Secretary of War are published for the information and guidance of all concerned:

No persons, except officers of the Army and Navy of the United States, and persons in the service of the United States employed in direct connection with the use, construction or care of these works, will be allowed to visit any portion of the lake and coast defenses of the United States, without the written authority of the Commanding Officer in charge.

Neither written nor pictorial descriptions of these works will be made for publication without the authority of the Secretary of War, nor will any information be given concerning them which is not contained in the printed reports and documents of the War Department.

Commanding Generals of Departments will see that this order is carried into effect, and that the permission to visit the defenses referred to is only given for proper military reasons.

Commanding Officers, Ordnance Sergeants and others in charge of fortifications, or any means of lake or coast defenses, will exercise great care in acting upon applications to visit the works, and will grant such only as may be warranted for good and sufficient military reasons.

Commanding Generals of Departments concerned will give to this matter their continued personal attention to the end that any dereliction of the duty herein enjoined may be immediately observed and promptly met by discipline.

BY COMMAND OF MAJOR GENERAL MILES:

GEO. D. RUGGLES,  
*Adjutant General.*

## ANNEX C

GENERAL ORDERS, }  
No. 52. }

WAR DEPARTMENT,  
ADJUTANT GENERAL'S OFFICE,  
*Washington, August 24, 1897.*

The following revision of the instructions of the Secretary of War, contained in General Orders, No. 9, March 1, 1897, from Headquarters of the Army, Adjutant General's Office, is published for the information and guidance of all concerned:

Except by special authority of the Secretary of War, no persons, other than officers of the Army and Navy of the United States, and persons in the service of the United States employed in direct connection with the use, construction, or care of these works, will be allowed to visit any portion of the lake and coast defenses of the United States, without the written authority of the Commanding Officer in charge, to be given only for proper military reasons.

Special authority to visit defensive works granted by the Secretary of War will be limited to United States Senators and Members of Congress, their public duties requiring them to take official action on matters connected therewith, and to the Governor (or his Adjutant General) of the State in which the works are located, as commander-in-chief of the local militia instructed there.

Neither written nor pictorial descriptions of these works will be made for publication without the authority of the Secretary of War, nor will any information be given concerning them which is not contained in the printed reports and documents of the War Department.

Commanding Generals of Departments will see that this order is carried into effect, and that the permission to visit the defenses referred to is only given for proper military reasons.

Commanding Officers, Ordnance Sergeants, and others in charge of fortifications, or any means of lake or coast defenses, will exercise great care in acting upon applications to visit the works, and will grant such only as may be warranted for good and sufficient military reasons.

Commanding Generals of Departments concerned will give to this matter their continued personal attention to the end that any dereliction of the duty herein enjoined may be immediately observed and promptly met by discipline.

BY ORDER OF THE ACTING SECRETARY OF WAR:

SAM'L BRECK,  
*Acting Adjutant General.*

## GENERAL ORDERS, } WAR DEPARTMENT,

No. 96. } ADJUTANT GENERAL'S OFFICE,  
Washington, July 13, 1898.

The following acts of Congress are published for the information and government of all concerned:

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I--Act amending Act providing for temporarily increasing the military establishment of the United States.....	1
II--Act authorizing appointment of a military storekeeper in the Army.....	2
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V--Act to increase the efficiency of the Subsistence Department of the Army.....	3
VI--Act to protect the harbor defenses and fortifications of the United States.....	4
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IX--Act to amend the Act relating to pay of volunteer officers and soldiers.....	6

I--An Act to amend section ten of an act approved April twenty-second, eighteen hundred and ninety-eight, entitled "An Act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of section ten of the Act approved April twenty-second, eighteen hundred and ninety-eight, entitled "An Act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," as provides that "officers appointed or assigned to the staff of commanders of army corps, divisions, and brigades shall serve only in such capacity, and that when relieved from such staff service such appointments or assignments

be found necessary, not exceeding twelve; also, that the two commissaries of subsistence who may be detailed as assistants to the Commissary General of Subsistence, shall have the rank of colonel, provided that when any such officer is relieved from said duty, his temporary rank, pay and emoluments, shall cease, and he shall return to his lineal rank in the Department.

SEC. 2. That there is hereby authorized to be added to the subsistence department in the volunteer service during the present war, and not to exceed one year thereafter, eight majors, and twelve captains for the discharge of such subsistence duties as may be assigned to them by the Secretary of War, to be nominated, and, by and with the advice and consent of the Senate, to be appointed by the President.

Approved, July 7, 1898.

VI.—An Act to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person who shall willfully, wantonly, or maliciously trespass upon, injure, or destroy any of the works or property or material of any submarine mine or torpedo, or fortification or harbor defense system owned or constructed or in process of construction by the United States, or shall willfully or maliciously interfere with the operation or use of any such submarine mine, torpedo, fortification, or harbor defense system, or shall knowingly, willfully or wantonly violate any regulation of the War Department that has been made for the protection of such mine, torpedo, fortification or harbor defense system shall be punished, on conviction thereof in a district court of the United States for the district in which the offense is committed, by a fine of not less than one hundred nor more than five thousand dollars, or with imprisonment for a term not exceeding five years, or with both, in the discretion of the court.

SEC. 2. That when any offense is committed in any place, jurisdiction over which has been retained by the United States or ceded to it by a State, or which has been purchased with the consent of a State for the erection of a fort, magazine, arsenal, dockyard, or other needful building or structure, the punishment for which offense is not provided for by any law

of the United States, the person committing such offense shall, upon conviction in a circuit or district court of the United States for the district in which the offense was committed, be liable to and receive the same punishment as the laws of the State in which such place is situated now provide for the life offense when committed within the jurisdiction of such State, and the said courts are hereby vested with jurisdiction for such purpose, and no subsequent repeal of any such State law shall affect any such prosecution.

Approved, July 7, 1898.

VII.—An Act to provide for a temporary increase in the Inspector-General's Department of the Army.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is authorized, by and with the advice and consent of the Senate, to appoint one inspector-general with the rank of colonel, one inspector-general with the rank of lieutenant-colonel, and one inspector-general with the rank of major; *Provided,* That the vacancies created in the grade of colonel and lieutenant-colonel by this Act shall be filled by the promotion of officers now in the Inspector-General's Department according to seniority, and that upon the mustering out of the volunteer forces and the reduction of the Regular Army to a peace basis, no appointments shall be made in the Inspector-General's Department until the number of officers in each grade in that Department shall be reduced to the number now authorized by law.

Approved, July 7, 1898.

VIII.—An Act to increase the force of the Ordnance Department.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section five of an Act entitled "An Act reorganizing the several staff corps of the Army," approved June twenty-third, eighteen hundred and seventy-four, be, and the same is hereby, amended so as to read as follows:

"SEC. 5. The Ordnance Department shall consist of one Chief of Ordnance, with the rank, pay, and emoluments of a brigadier-general; four colonels, five lieutenant-colonels, twelve majors, twenty-four captains, twenty first lieutenants. "A chief ordnance officer may be assigned to the staff of an army or a corps commander, and while so assigned shall

ANNEX E

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ARTILLERY,  
WASHINGTON.

ANNEX E

IN REPLY REFER TO NO. 5539/5 O. C. A.

October 3, 1907.

The Adjutant General,  
Washington, D. C.

Sir:-

I have the honor to invite attention to the fact that considerable confusion and misunderstanding results from the present methods of issuing, and caring for confidential publications and communications. The word "Confidential" as used in this connection seems to have no definite meaning. For example; an officer receives a communication marked "Confidential" in which he is informed that a certain movement of troops is to be made and in which certain details of the movement are explained to him. Subsequently he sees the movement of the troops announced in the public press. Query: Do these press reports remove the confidentiality of the information sent him? Does it remove the restrictions as to the details or only as to the general proposition? Again. The results of certain firing at Sandy Hook are issued in a pamphlet marked "Confidential". Years pass by, and the information contained in the pamphlet becomes common knowledge. Query: When, if ever, does the pamphlet cease to be confidential? Again. Harbor charts are confidential publications, yet they are required to be permanently attached to the walls of fire control stations. Signal Corps Manual No.8 is a confidential publication, yet it is freely given to enlisted men and civilian employees. Other confidential communications are required to be kept locked in a safe.

Again: An entire series of publications is marked "Confidential", for



example, the Engineer Mimeographs. Yet Mimeograph No.99, (serial No.282)-- marked "Confidential", publishes formulae for making whitewash. Officers receiving the mimeograph are at a loss to understand whether or not it is really intended that such formulae are to be kept confidential, and, if so, to what extent.

The result of this is that officers receiving "Confidential" communications must, of necessity, use their own judgment as to what extent the information therein shall be guarded; and there is great difference of opinion in this matter. Some officers keep all confidential communications locked up, and others take no precautions whatever with respect thereto.

For the proper protection of confidential communications and publications, and in fairness to the officers and others into whose hands they are placed, it is believed that some plan should be devised by which --

(a) Confidential communications should be classified according to the nature of their contents and the degree of confidentiality that is to be observed.

(b) Whenever practicable to do so, a time limit should be fixed after which communications or publications will no longer be considered confidential.

(c) An annual return should be made by officers of all confidential publications in their possession on which no time limit has been placed, or upon which the time limit has not expired.

With reference to (a), the question of classification, the following classes are suggested.

Class I. For the sole information of the person to whom it is addressed, unless some military necessity should exist for its being communicated to others, in which case the person to whom it is addressed assumes responsibility for such communication.

Class II. For the sole information of commissioned officers of the Army,

Navy, and Marine Corps, unless some military necessity should exist for its being communicated to others, in which case the person to whom it is addressed assumes responsibility for such communication.

Class III. For the sole information of officers, enlisted men of the Army, Navy, and Marine Corps, and civilian employees of the United States, unless some military necessity should exist for its being communicated to others, in which case the person to whom it is addressed assumes responsibility for such communication.

Class IV. Semi confidential, the only restriction being that it will not be given to the public or to the press.

In submitting this recommendation, the Chief of Artillery has not attempted to work out this question in detail, because it was thought that in all probability the matter would be considered by the General Staff, the 2nd Division of which has charge of the preparation and distribution of most of the confidential publications of the War Department.

The occasion of this letter is that this office has had several cases before it where officers have lost or misplaced confidential publications, and one case is now before this office in which a harbor chart (Confidential) was stolen from a fire control station. The question arises as to whether or not proper precautions had been taken to protect this confidential publication.

Very respectfully,

*Arthur Murray*  
Brig.Gen., Chief of Artillery.

the future in mimeographs and other  
Exterior Department publications.

*W. C. ...*  
Brig. Gen., Chief of Engineers  
U.S. Army.  
65292

1130  
Rec'd Back A.G.O., OCT 25 1907

REC'D OCT 25 1907  
To the First Division.

*with memo. rec'd chief staff*  
Rec'd Back A.G.O., NOV 13 1907

1291695  
WAR DEPARTMENT  
N 1291695  
ADJUTANT GENERAL'S OFFICE

Washington, D.C.  
Oct. 3, 1907  
2043641

Chief of Artillery  
18488

Invites attention to fact that considerable confusion and misunderstanding results from the present methods of issuing, and caring for confidential publications and communications, and makes suggestions as to a remedy.

65299  
WAR DEPARTMENT

Cir. 78<sup>th</sup> Nov. 21 1907.

File NOV 25 1907

547-3262

1st Indorsement.  
(1291695)  
WAR DEPARTMENT,  
THE ADJUTANT GENERAL'S OFFICE,  
WASHINGTON, October 14, 1907.

Respectfully referred to the Chief Signal Officer and the of Engineers, for remark.

By order of the  
Acting Secretary of War:

*Henry P. McCain*  
Adjutant General.

ANNEX B

18488  
ER. 857  
2d Indorsement.  
WAR DEPARTMENT,  
OFFICE OF THE CHIEF SIGNAL OFFICER,  
WASHINGTON,  
October 14, 1907.

Respectfully forwarded to the Chief of Engineers, U. S. Army.

With regard to Signal Corps Manual No. 8, the following is printed on the fly-leaf just before the title page:

"This Manual is intended for the sole personal use of the one to whom it is issued, and should not under any circumstances be transferred, loaned, or its contents imparted to unauthorized persons."

This office has never considered Manual No. 8 as a confidential publication ~~publications~~, and putting this notice in the front of the manual was intended to indicate that the manual is one for special purpose. It is issued only on receipt through this office or the Second (Military Information) Division, General Staff, and is to be used with proper discretion as indicated by the notice quoted above.

It is recognized that a manual of this kind, necessarily issued not only to officers but also to other concerned in the construction work of the Signal Corps, could not be considered as a confidential publication. However, measures were taken as soon as it was turned over to the Public Printer to insure its being placed only in responsible hands, and to this end this office, when informed that the Public Printer was, in accordance with the usual custom, having 500 copies printed for sale and General distribution, requested that such

2d Ind.  
Indiscriminate issue be stopped and that no copies be sent out except as indicated.

The remarks of the Chief of Artillery regarding the confusion which exists are believed to be well taken and it is recommended that this matter be referred to the General Staff in order that accurate classification may be made.

It appears that Manual No. 8 would come most nearly under Class III as proposed by the Chief of Artillery.

*Edwards*

Brigadier General,  
Chief Signal Officer of the Army  
REC'D. OFFICE CHIEF OF ENGS OCT 16 1907  
3d Indorsement.  
WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ENGINEERS,  
WASHINGTON.

October 24, 1907.  
1. Respectfully returned to The Adjutant General.

2. The Chief of Engineers concurs with the Chief of Artillery that the use of the word "confidential" as applied to different papers has been somewhat too common. He believes the word should be restricted to the character of papers which would come within class 1, as classified by the Chief of Artillery. Other communications should not be marked "confidential," but, if an individual paper it should be marked, or, if belonging to a class, should be covered by General regulations, so as to indicate to whom the contents may be communicated.  
This course will be followed in

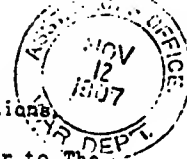
ANNEX F

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF STAFF,  
WASHINGTON.

ANNEX F



November 12, 1907.



MEMORANDUM FOR THE ACTING SECRETARY OF WAR:

Subject: Methods of issuing and caring for confidential publications.

Under date of October 3, 1907, the Chief of Artillery in a letter to The Adjutant General invites attention to the fact that considerable confusion and misunderstanding results from the present methods of issuing and caring for publications and communications marked "confidential". He cites instances where publications marked confidential have been distributed to officers at large and since the date of distribution the information contained therein has in different ways become common knowledge and yet the publication has not been officially released from its confidential nature.

Again from time to time mimeographs, bulletins, circulars, etc., are distributed by the different bureaus of the War Department and many of these contain information for the use of those in the military service and not for the general public and are marked confidential and yet on occasions the contents of one of a series of these papers will be of such a nature that there could be no possible object in considering it confidential, but it is marked confidential because it was one of a series of so called confidential papers. An officer receiving such a paper is naturally at a loss to know the degree of confidentiality that is to be observed. The Chief of Artillery further states that as a result of the indiscriminate use of the word "confidential" in papers of different kinds, officers receiving such communications must, of necessity, use their own judgment as to what extent the information contained therein should be guarded, and there is a great difference of opinion in this matter. For the proper protection of confidential communications and publications, and in fairness to the officers and others into whose hands they are placed he states that some plan should be devised by which--

"(a) Confidential communications should be classified according to the nature of their contents and the degree of confidentiality that is to be observed.

(b) Whenever practicable to do so, a time limit should be fixed after which communications or publications will no longer be considered confidential.

(c) An annual return should be made by officers of all confidential publications in their possession on which no time limit has been placed, or upon which the time limit has not expired."


He then suggests four classes. These will not be quoted as it is thought that a more simple method of accomplishing the same result can be devised. The

question of fixing in advance a time limit after which a paper need no longer be considered confidential is thought to be impracticable. Also the proposition to have returns rendered for these communications is believed to be not necessary or desirable and would complicate matters rather than simplify them. It is known that the use of the word "confidential" has been too frequent in the past and in many cases has been misapplied. Many of the papers now marked confidential are not strictly so and while it may not be desirable for the public to know the contents of them, yet officers, enlisted men, and certain civilian employees of the government are and should be familiar with the contents thereof. It is believed that the use of the word confidential on official documents should be limited to such as are intended for the sole information of the person to whom addressed. Those intended for the information of a certain class or classes of individuals should be marked so as to indicate to whom the contents may be communicated. As the necessity has passed for considering certain communications now in the hands of officers as confidential it is thought that they should be released.

In view of the foregoing it is recommended that a circular be issued substantially as in draft herewith.

The Chief of Ordnance, Chief of Engineers, Quartermaster General, Commissary General, Surgeon General, Chief Signal Officer, Chief of Artillery, Chief of the 2d Division, General Staff, and the Recorder of the Board of Ordnance and Fortification have been consulted and concur.

Very respectfully,



Major General, General Staff,  
Assistant to Chief of Staff.

Inclosures.

WAR DEPARTMENT,  
November 12, 1907. A. G. thro' Chief of Staff

APPROVED:



Acting Secretary of War.

OFFICE CHIEF OF STAFF,  
REC'D. NOV 13 1907

The Adjutant General

CIRCULAR. }  
 No. 78. }  
 WAR DEPARTMENT,  
 WASHINGTON, November 21, 1907.

1. The money value of small arms that may be lost hereafter will be charged against the officers responsible for the arms unless it be shown that every possible precaution was taken to prevent such loss.

2. The Ordnance Department will issue arm racks and arm chests provided with locks and hinges for the safe-keeping of small arms. Separate arm chests provided with locks and hinges for the safe-keeping of rifles and revolvers will be issued to mounted organizations only; for other organizations arm chests for rifles only will be issued for the safe-keeping of both rifles and revolvers.

3. Paragraph I, Circular, No. 27, War Department, June 2, 1905, and paragraph 4, Circular, No. 40, War Department, August 18, 1905, are rescinded.

[EDITH A. G. O.]

II. 1. Hereafter the word "confidential" will not be placed on any communication from the War Department, except where the subject-matter is intended for the sole information of the person to whom addressed. If some military necessity should exist therefore the contents of such a communication may be made known to others, but the person to whom the communication is addressed must assume all responsibility for taking such action.

2. When the contents of any publication, document, communication, map, drawing, or blueprint are intended for the information of a certain class or classes of individuals and not for the public at large it will not be marked confidential, but a statement printed or written, indicating to whom the contents may be disclosed will be furnished. Persons receiving such a publication, document, communication, map, drawing, or blueprint will exercise due care that its contents are not imparted to any unauthorized person.

3. The following publications will not be considered confidential in the future:

Test of Mortar Fire at Portland Harbor, Maine, Fall of 1901; published by the Board of Ordnance and Fortification, 1902.

[Cir. 78.]

2

Test of System of Fire Control and Direction at Pensacola Harbor, Florida, April, 1903; published by the Board of Ordnance and Fortification, 1903.

Revised System of Fire Control and Direction, including Articles of Equipment and Material Supplied by Several Bureaus of the War Department, 1905; published by the Board of Ordnance and Fortification. The First Appendix is included therein, see page 15.

Second Appendix to Revised System of Fire Control and Direction; issued by the Second (Military Information) Division, General Staff, upon the recommendation of the Chief of Artillery, 1907.

Notes on Panama; issued by the Second (Military Information) Division, General Staff, 1903.

4. Mimeographs, bulletins, printed circulars, or blueprints, marked "confidential," which have been issued in the past by the different bureaus of the War Department for distribution to certain officers, are for the use of officers and enlisted men and civilian employees of the United States when necessary in connection with their work.

[1291695, A. G. O.]

BY ORDER OF THE ACTING SECRETARY OF WAR:

J. FRANKLIN BELL,  
*Major General, Chief of Staff.*

OFFICIAL:

HENRY P. MCCAIN,  
*Adjutant General.*

ANNEX G



[Cir. 78.]

2

Test of System of Fire Control and Direction at Pensacola Harbor, Florida, April, 1903; published by the Board of Ordnance and Fortification, 1903.

Revised System of Fire Control and Direction, including Articles of Equipment and Material Supplied by Several Bureaus of the War Department, 1905; published by the Board of Ordnance and Fortification. The First Appendix is included therein. see page 15.

Second Appendix to Revised System of Fire Control and Direction; issued by the Second (Military Information) Division, General Staff, upon the recommendation of the Chief of Artillery, 1907.

Notes on Panama; issued by the Second (Military Information) Division, General Staff, 1903.

4. Mimeographs, bulletins, printed circulars, or blueprints, marked "confidential," which have been issued in the past by the different bureaus of the War Department for distribution to certain officers, are for the use of officers and enlisted men and civilian employees of the United States when necessary in connection with their work.

[1291695, A. G. O.]

BY ORDER OF THE ACTING SECRETARY OF WAR:

J. FRANKLIN BELL,  
*Major General, Chief of Staff.*

OFFICIAL:

HENRY P. MCCAIN,  
*Adjutant General.*

ANNEX H

WAR DEPARTMENT,  
OFFICE OF THE JUDGE ADVOCATE GENERAL

Memorandum: *General Wood*

*Will you ok. this  
Regulation for publication  
S.A.C.*

WAR DEPARTMENT,  
OFFICE OF THE JUDGE ADVOCATE GENERAL,  
WASHINGTON.

ANNEX H

May 19, 1913.

*gfw*

MEMORANDUM.

" Paragraph 789 $\frac{1}{2}$ . In order to reduce the possibility of confidential communications falling into the hands of persons other than those for whom they are intended, the sender will inclose them in an inner and an outer cover; the inner cover to be a sealed envelope or wrapper addressed in the usual way, but marked plainly CONFIDENTIAL in such manner that the notation may most readily be seen when the outer cover is removed. The package thus prepared will then be inclosed in another sealed envelope or wrapper addressed in the ordinary manner with no notation to indicate the confidential nature of the contents.

The above applies not only to confidential communications entrusted to the mails or to telegraph companies, but also to such communications entrusted to messengers passing between different offices of the same headquarters, including headquarters of the Army at Washington.

Government telegraph operators will be held responsible that all telegrams are carefully guarded. No received telegram will ever leave an office except in a sealed envelope, properly addressed. All files will be carefully guarded and access thereto will be denied all parties except to those authorized by law to see the same."

Remarks:

Telegrams are inherently confidential. Outside of officials of a telegraph company, no one has an authority to see a telegram, other than the sender and receiver, except on a subpoena duces tecum issued by a proper court.

A commanding officer of a post where the Signal Corps has a station has no right to inspect the files of telegrams, at least files other than those sent at government expense.

The record of the Signal Corps operators is excellent. I consider the enlisted personnel of the Signal Corps superior to that of any other arm. The leaks that occur through the inadvertence or carelessness of enlisted men of the Signal Corps are few in number. Those occurring through intention on the part of these men are fewer still. In my opinion leaks most frequently occur through the fault of officers in leaving confidential matters open on their desks where others may read as they transact other business.

OFFICE CHIEF OF STAFF  
REC'D MAY 22 1913

OFFICE CHIEF OF STAFF.  
To The Adjutant General.

## ANNEX I

### HEADQUARTERS AMERICAN EXPEDITIONARY FORCES

France, November 21, 1917.

#### GENERAL ORDERS, } No. 61.

I. 1. Extreme care will be taken by all members of this command in the treatment of "Confidential" and "Secret" matters. There appears to be some carelessness in the indiscriminate use of the terms "Confidential" and "Secret." These words sometimes appear on official publications which are common property to our officers, but documents properly bearing these words sometimes are seen on desks in the several offices convenient of access to visiting officers, to clerks, orderlies and in some cases to the employees who clean and care for the building.

2. In general terms, all matters passing through official channels, verbal, written or printed, in the transaction of business in this command are to be considered "Official" in the sense that they are not to be discussed with any persons except those to whom they come for consideration or transmission. Any official matters to be released are so designated by the Commander-in-Chief. This is authority which has not been as yet delegated to anyone.

3. "Confidential" matter is restricted for use and knowledge to a necessary minimum of persons, either members of this Expedition or its employees.

The word "Secret" on a communication is intended to limit the use or sight of it to the officer into whose hands it is delivered by proper authority and when necessary a confidential clerk. With such a document no discretion lies with the officer or clerk to whom it is delivered, except to guard it as SECRET in the most complete understanding of that term. There are no degrees of secrecy in the handling of documents so marked. Such documents are completely secret.

Secret matter will be kept under lock and key subject to use only by the officers to whom it has been transmitted. Confidential matter will be similarly cared for unless it be a part of office records, and necessary to the entirety of such records. Papers of this class will be kept in the office files and the confidential clerk responsible for the same shall be given definite instructions that they are to be shown to no one but his immediate official superiors, and that the file shall be locked except during office hours.

4. Orders, pamphlets of instructions, maps, diagrams, intelligence publications, etc., from these headquarters will be prepared for publication as follows:

(a) Those which are for ordinary official circulation and not intended for the public but the accidental possession of which by the enemy would result in no harm to the allied cause; these will have printed in the upper left hand corner, "For Official Circulation Only".

(b) Those with the word "CONFIDENTIAL" printed in the upper left hand corner, which are intended for "confidential" circulation only as described in paragraph 3 above.

(c) Those which are absolutely "Secret" in their nature, and are intended for no circulation beyond the hands of the person into whose possession they are delivered. These will have printed in the upper left hand corner the word "SECRET". All such documents will be guarded as prescribed in paragraph 3.

5. No officer or office at these headquarters will put forth any document or correspondence regarding our organization, movement of troops, munitions, ammunition, supplies, transport, orders, or any pamphlets of instruction, without marking them as prescribed in paragraph 4 above.

In the case of marking of the upper left hand corner of "OFFICIAL", "CONFIDENTIAL", or "SECRET" documents, the type used for such designation will be heavy face type sufficiently conspicuous to attract attention. In the case of "SECRET" documents, the word "SECRET" will be printed in red. Where circulation is to be limited otherwise than is indicated in paragraph 3, as in the case of intelligence publications, there will be added the limitation in similar type, as:

Not to be taken into Front Line Trenches.

Not to be reproduced.

Not to go below Division Headquarters.

Not to go below Regimental Headquarters.

II. Owing to the scarcity of first class passenger cars in France the following rule is prescribed for all persons traveling by rail:

1. Commissioned officers and army nurses will travel first class. Field clerks and non-commissioned officers will travel second class. All others will travel third class.

2. In conformity with the French custom in order not to displace the regular passengers, individuals will habitually use the class of rail accommodations indicated above.

III. 1. All Divisional, Corps and Army troops of the A. E. F., are hereby assigned to the First Corps, which for

the present will be under the direct command of the G.-in-C., A. E. F. Temporary appointments and promotions in all troops pertaining to that Corps will be made as prescribed in G. O. 132, W. D., 1917.

2. Pending the promulgations of formal orders relative to the routine to be followed in effecting replacements, all calls for replacements will be addressed to these Headquarters.

BY COMMAND OF GENERAL PERSHING :

JAMES G. HARBORD,

Brigadier General,

Chief of Staff.

OFFICIAL :

BENJ. ALVORD,

Adjutant General.

ANNEX I

ANNEX J

DEC 2 1917

ANNEX

## MEMORANDUM FOR THE CHIEF OF STAFF:

Subject: General Order concerning secret, confidential and official documents.

1. We have published and distributed in various forms documents and maps of secret, confidential and official nature, and undoubtedly will publish many more before the war is over. It appears very desirable that every officer and soldier of the army be informed as to the exact meaning to be attached to the words "Secret", "Confidential" and "For Official Use Only", and that responsibility for the safe keeping of the information contained in documents so marked be clearly placed.

2. It is therefore recommended that action be taken as set forth in the enclosed memorandum to The Adjutant General of the Army. The Judge Advocate General (Colonel H. A. White) has been consulted and concurs.

*P. W. Lochridge*

Colonel, General Staff,  
Acting Chief of War College Division.

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COMPILATION OF ORDERS.

[O. G. of O. G.]

[O. G.]

CHANGES  
No. 6.

WAR DEPARTMENT,  
WASHINGTON, December 14, 1917.

Paragraph 5 and the note at the end of paragraph 88, Compilation of Orders, 1381-1915, are rescinded; paragraphs 44 and 176, Compilation of Orders, and paragraphs 1344 and 2381, Supplement to the Compilation of Orders, are changed as follows:

5. (Page 9.) Cavalry, Field Artillery, Coast Artillery Corps, and Infantry.—Rescinded, the matter being covered by Special Regulations No. 1, Appointment of Provisional Second Lieutenants in the Infantry, Cavalry, Field Artillery, and Coast Artillery Corps, Regular Army. (O. G. of O. No. 6, Dec. 14, 1917.)

[06212, A. G. O.]

44. (Page 142.) The deserter's release.—Strike out the first subparagraph, including the citation from the act of Congress, and substitute therefor the following: A deserter from the Army is amenable to trial and punishment for his desertion, unless exempt therefrom under the provisions of the 39th Article of War. For the method of computing the period of limitation see subparagraph (2) (d), paragraph 149, Manual for Courts-Martial. (O. G. of O. No. 6, Dec. 14, 1917.)

[2512, A. G. O.]

88. (Page 202.) The note at the end of paragraph 88 is rescinded, General Orders, No. 61, War Department, 1915, having been rescinded, the matter being covered by Special Regulations No. 53, Examination and Classification of Gunners of Field Artillery. (O. G. of O. No. 6, Dec. 14, 1917.)

[06212, A. G. O.]

1344. (Page 46, 1916 Supp. C. of O.) Motor vehicles, searchlights, and other power equipment.—(1) The paragraph is rescinded so far as it pertains to the repair and maintenance of motor vehicles.

(2) Add the following:

The Ordnance Department will procure all caterpillar tractors, four-wheel drive trucks, tanks, and other authorized types of special vehicles normally furnished by that department, and will provide for the repair and maintenance thereof. Reimbursement will be made by transfer of funds for equipment or

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spare parts furnished and repairs done by the Ordnance Department for any other bureau.

The Quartermaster Corps will procure, repair, and maintain motor equipment of the authorized quartermaster standard types and, except as indicated in the preceding paragraph, will provide for the repair and general upkeep of all other motor vehicles pertaining to the Army, but any bureau ordering nonstandard equipment will be required to supply the spare parts necessary for the accomplishment of repair work. (O. C. of O. No. 6, Dec. 14, 1917.)

[4519, A. G. O.]

176. (Page 407.) Documents and maps marked "Secret," "Confidential," or "For official use only."—1. A document or map marked "Secret" is for the personal information of the individual to whom it is officially entrusted and of those officers under him whose duties it affects. The officer to whom it is entrusted is personally responsible for its safe custody and that its contents are disclosed to those officers mentioned above, and to them only. The existence of such a document or map will not be disclosed by the officer to whom it is entrusted, nor by his officers without the sanction of superior military authority. No document or map marked "Secret" will be taken into the front line trenches in the theater of war. A document or map marked "Secret," even though it may bear other classifying marks, such as "Confidential" or "For official use only," will, nevertheless, be regarded as "Secret" within the meaning of this paragraph.

2. A document or map marked "Confidential" is of less secret a nature than one marked "Secret," but its contents will be disclosed only to persons known to be authorized to receive them or when it is obviously in the interest of the public service that they receive them.

3. The information contained in a document or map marked "For official use only" will not be communicated to the public or to the press, but may be communicated to any person known to be in the service of the United States, simply by virtue of his official position.

4. Documents and maps classed as "Secret" or "Confidential" will not be referred to in any catalogue or publication which is not itself a document marked "Secret" or "Confidential," as the case may be. An officer or soldier who communicates infor-

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[O. C. of O. G.]

mation contained in a document or map marked "Secret" or "Confidential" or "For official use only" will at the same time inform the person or persons to whom he communicates the information that it is "Secret" or "Confidential" or "For official use only," as the case may be. The only legitimate use an officer or soldier may make of documents or information of which he becomes possessed in his official capacity is for the furtherance of the public service in the performance of his duty. Publishing official documents or information, or using them for personal controversy, or for any private purpose without due authority, will be treated as a breach of official trust, and may be punished under the Articles of War, or under section 1, Title 1, of the espionage act approved June 15, 1917. (Bulletin No. 43, War Department, 1917.) (O. C. of O. No. 6, Dec. 14, 1917.)

2883. (Page 75, 1916 Supp. O. of O.) Master engineers and sergeants, first class, Corps of Engineers.—Add the following to subparagraph 2: The chief engineer officer, American Expeditionary Forces, is authorized to make such appointments in the Engineer troops in Europe. (Sec. III, G. O. 27, 1916.) (O. C. of O. No. 6, Dec. 14, 1917.) [2201, A. G. O.]

BY ORDER OF THE SECRETARY OF WAR:

JOHN BIDDLE,

Major General, Acting Chief of Staff.

OFFICIAL:

H. P. MCQUAIN,

The Adjutant General.

ANNEX L

ARMY REGULATIONS,  
No. 330-5.WAR DEPARTMENT,  
WASHINGTON, January 22, 1921.

## DOCUMENTS.

"SECRET," "CONFIDENTIAL," AND "FOR OFFICIAL USE ONLY."

	Paragraphs
SECTION I. Definition.....	1
II. "Secret" documents.....	2-5
III. "Confidential" documents.....	6-8
IV. "For official use only" documents.....	9
V. Miscellaneous provisions.....	10-13

## SECTION I.

## DEFINITION.

	Paragraph
"Document" defined.....	1

1. "Document" defined.—In this pamphlet the word "document" will be understood to apply to printed, mimeographed, typed, photostated, and written matter, and to maps, drawings, and photographs.

## SECTION II.

## "SECRET" DOCUMENTS.

	Paragraph
"Secret"; when, by whom, and how affixed.....	2
General precautions to protect contents.....	3
How prepared for transmission; by whom opened; receipt.....	4
"Secret"; when, by whom, and how canceled.....	5

2. "Secret"; when, by whom, and how affixed.—A document will be marked "Secret" only when the information it contains is of great importance and when the safeguarding of that information from actual or potential enemies is of prime necessity. The "Secret" mark will be placed on a document only by, or by authority of, the Secretary of War, the Chief of Staff, a chief of an arm, staff corps or department, or an officer commanding a territorial department or corps area, a tactical division, or a higher tactical unit. The "Secret" mark will be accompanied by the designation of the authority affixing it, or by authority of which it is being affixed, and will be dated and initialed by the officer affixing it.

3. General precautions to protect contents.—a. A document marked "Secret" is for the personal information and use of the officer to whom it is officially intrusted. He will be personally responsible for its safe custody and will exercise every precaution to prevent unauthorized persons gaining information as to its existence, its whereabouts, or its contents. He will disclose information as to its existence, its whereabouts, or its contents only to those whose duties absolutely require that they have such information; the number of such persons will be limited as much as the necessity of the case permits; and the amount of information disclosed will be limited to that which is absolutely essential to the proper execution of the duties of the persons to whom it is given. No person who has information as to the existence, the whereabouts, or the contents of a secret document will disclose any information whatever relative thereto, except as prescribed above.

DOCUMENTS.

b. No document marked "Secret" will be taken into front-line trenches in a theater of war, or to any other place in which there is a similar danger of capture by the enemy.

c. Documents classed as "Secret" will not be referred to in any catalogue or publication which is not itself marked "Secret."

4. How prepared for transmission; by whom opened; receipt.—a. For transmission to another person, whether by mail, messenger, or otherwise, including messengers passing between the bureaus and offices of the War Department, or between different offices of the same headquarters, the sender of a document marked "Secret" will inclose it in an inner and an outer cover. The inner cover will be a sealed wrapper or envelope addressed in the usual way, but plainly marked "Secret" in such manner that the notation may be most readily seen when the outer cover is removed. The inner cover will contain a receipt form which will identify the addressor, the addressee, and the document. The package thus prepared will then be inclosed in an outer cover, which will be sealed and addressed in the ordinary manner with no notation to indicate the secret nature of the contents. (See par. 10.)

b. So far as practicable the inner cover marked "Secret" will be opened only by the officer to whom addressed. When the inner cover is opened, the receipt form will be dated and signed by the receiving officer and returned to the sender at the earliest practicable moment.

5. "Secret"; when, by whom, and how canceled.—When a document ceases to be secret, its "Secret" marking may be canceled by the authority which affixed or authorized it, or by higher authority, by writing or stamping "Canceled by \_\_\_\_\_," or "Canceled by authority of \_\_\_\_\_" (the authority which authorizes the cancellation), over the "Secret" mark on the top of the first page of the document, and this cancellation will be dated and initialed by the officer making it. Any other "Secret" marks on such a document will then be stricken out.

SECTION III.

"CONFIDENTIAL" DOCUMENTS.

	Paragraph.
"Confidential"; when, by whom, and how affixed.....	6
General precautions to protect contents.....	7
"Confidential"; when, by whom, and how canceled.....	8

6. "Confidential"; when, by whom, and how affixed.—A document will be marked "Confidential" when it is of less importance and of less secret a nature than one requiring the mark of "Secret," but which must, nevertheless, be guarded from hostile or indiscreet persons. Except in the case of printed documents of the War Department or of General Headquarters in the field, the mark "Confidential" will be placed on a document only by a commissioned officer and will be accompanied by the designation of the office which that officer holds, if any.

7. General precautions to protect contents.—Information as to the existence, the whereabouts, or the contents of a document marked "Confidential" will be disclosed by a person possessing such information only to those whose duties require that they have such information. Every person to whom confidential information is intrusted will be personally responsible for its safe-keeping.

8. "Confidential"; when, by whom, and how canceled.—The "Confidential" mark on a document may be canceled by the authority which affixed or authorized it, or by higher authority, by writing or stamping over it "Canceled by \_\_\_\_\_," or "Canceled by authority of \_\_\_\_\_" (the authority

"SECRET," "CONFIDENTIAL," "FOR OFFICIAL USE ONLY."

which authorizes the cancellation), and this cancellation will be dated and initialed by the officer making it. Any other "Confidential" marks on such a document will then be stricken out.

## SECTION IV.

## "FOR OFFICIAL USE ONLY" DOCUMENTS.

"For official use only"; when affixed; how information treated.----- Paragraph. 9

9. "For official use only"; when affixed; how information treated.—A document will be marked "For official use only" when it contains information which is not to be communicated to the public or to the press, but which may be communicated to any person known to be in the service of the United States whose duties it concerns, or to persons of undoubted loyalty and discretion who are cooperating in Government work. The information contained in documents marked "For official use only" will be treated accordingly.

## SECTION V.

## MISCELLANEOUS PROVISIONS.

How transmitted; to whom delivered.----- Paragraph. 10  
Facts as to character thereof to be communicated with information.----- 11  
Documents requiring to be marked "Secret" or "Confidential".----- 12  
One classifying mark only; if more used.----- 13

10. How transmitted; to whom delivered.—Documents containing secret matter to be transmitted by mail will be registered. Documents containing confidential matter will be registered when the circumstances warrant it. When documents containing secret or confidential matter are transmitted by hand, the transmission will be intrusted to an officer whenever practicable; otherwise particular care will be exercised that the messenger is trustworthy. In any case such documents will be delivered in person to the officer to whom addressed or to some responsible person designated by him to receive them.

11. Facts as to character thereof to be communicated with information.—A person who communicates information concerning, or contained in, a document marked "Secret," "Confidential," or "For official use only" will at the same time inform the person or persons to whom he communicates the information that it is "Secret" or "Confidential" or "For official use only," as the case may be.

12. Documents requiring to be marked "Secret" or "Confidential."—Any person in the military service who initiates or comes into possession of a document which, in his judgment, should be marked "Secret" or "Confidential" will take immediate steps to forward it to the authority competent so to mark it, following the same procedure for transmission as is prescribed in paragraphs 4 and 10 for secret documents.

13. One classifying mark only, if more used.—A document will not be marked with more than one of the three classifying marks—"Secret," "Confidential," and "For official use only"; but should it, through error, be so marked, the most restrictive classification used will be observed.

[312.11, A. G. O.]

BY ORDER OF THE SECRETARY OF WAR:

OFFICIAL:

P. C. HARRIS,  
The Adjutant General.

PEYTON C. MARCH,  
Major General, Chief of Staff.

WASHINGTON: GOVERNMENT PRINTING OFFICE: 1921

ANNEX M

ANNEX M

Revision released 7-29-36  
See Revision

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ARMY REGULATIONS  
No. 330-5

WAR DEPARTMENT,  
WASHINGTON, February 12, 1935.

## DOCUMENTS

"SECRET", "CONFIDENTIAL", "FOR OFFICIAL USE ONLY", AND  
"RESTRICTED"

	Paragraphs
SECTION I. Definition.....	1
II. "Secret" documents.....	2-5
III. "Confidential" documents.....	6-9
IV. "For official use only" documents.....	10
V. "Restricted" documents.....	11
VI. Military maps and photographs.....	12-15
VII. Miscellaneous provisions.....	16-22

### SECTION I

#### DEFINITION

	Paragraph
"Document" defined.....	1

1. "Document" defined.—In this pamphlet the word "document" will be understood to apply to printed, mimeographed, typed, photostated, and written matter, and to maps, drawings, and photographs.

### SECTION II

#### "SECRET" DOCUMENTS

	Paragraph
"Secret"; when, by whom, and how affixed.....	2
General precautions to protect contents.....	3
How prepared for transmission; by whom opened; receipt.....	4
"Secret"; when, by whom, and how concealed.....	5

2. "Secret"; when, by whom, and how affixed.—A document will be marked "Secret" only when the information it contains is of great importance and when the safeguarding of that information from actual or potential enemies is of prime necessity. The "Secret" mark will be placed on a document only by, or by authority of, the Secretary of War, the Chief of Staff, a chief of an arm, service, or bureau, or an officer commanding a corps area, a tactical division, or a higher tactical unit. The "Secret" mark will be accompanied by the designation of the authority affixing it, or by authority of which it is being affixed, and will be dated and initialed by the officer affixing it.

3. General precautions to protect contents.—a. A document marked "Secret" is for the personal information and use of the officer to whom it is officially intrusted. He will be personally responsible for its safe custody and will exercise every precaution to prevent unauthorized persons gaining informa-



tion as to its existence, its whereabouts, or its contents. He will disclose information as to its existence, its whereabouts, or its contents only to those whose duties absolutely require that they have such information; the number of such persons will be limited as much as the necessity of the case permits, and the amount of information disclosed will be limited to that which is absolutely essential to the proper execution of the duties of the persons to whom it is given. No person who has information as to the existence, the whereabouts, or the contents of a secret document will disclose any information whatever relative thereto, except as prescribed above.

b. No document marked "Secret" will be taken into front line trenches in a theater of war, or to any other place in which there is a similar danger of capture by the enemy.

c. Documents classed as "Secret" will not be referred to in any catalogue or publication which is not itself marked "Secret."

4. How prepared for transmission; by whom opened; receipt.—a. For transmission to another person, whether by mail, messenger, or otherwise, including messengers passing between the arms and services and offices of the War Department or between different offices of the same headquarters, the sender of a document marked "Secret" will inclose it in an inner and an outer cover. The inner cover will be a sealed wrapper or envelope addressed in the usual way, but plainly marked "Secret" in such manner that the notation may be most readily seen when the outer cover is removed. The inner cover will contain a receipt form which will identify the addressor, the addressee, and the document. The package thus prepared will then be inclosed in an outer cover, which will be sealed and addressed in the ordinary manner with no notation to indicate the secret nature of the contents. See paragraph 16.

b. So far as practicable the inner cover marked "Secret" will be opened only by the officer to whom addressed. When the inner cover is opened, the receipt form will be dated and signed by the receiving officer and returned to the sender at the earliest practicable moment.

5. "Secret"; when, by whom, and how canceled.—When a document ceases to be secret, its "Secret" marking may be canceled by the authority which affixed or authorized it, or by higher authority, by writing or stamping "Canceled by \_\_\_\_\_" or "Canceled by authority of \_\_\_\_\_" (the authority which authorizes the cancelation), over the "Secret" mark on the top of the first page of the document, and this cancelation will be dated and initialed by the officer making it. Any other "Secret" marks on such a document will then be stricken out.

## SECTION III

## "CONFIDENTIAL" DOCUMENTS

	Paragraph
"Confidential"; when, by whom, and how affixed.....	6
General precautions to protect contents.....	7
How prepared for transmission; by whom opened; receipt.....	8
"Confidential"; when, by whom, and how canceled.....	9

6. "Confidential"; when, by whom, and how affixed.—A document will be marked "Confidential" when it is of less importance and of less secret a nature than one requiring the mark of "Secret", but which must, nevertheless, be guarded from hostile or indiscreet persons. Except in the case of printed documents of the War Department or of general headquarters in the field, the

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# SECRET, CONFIDENTIAL, ETC.

mark "Confidential" will be placed on a document only by a commissioned officer and will be accompanied by the designation of the office which that officer holds, if any.

7. General precautions to protect contents.—Information as to the existence, the whereabouts, or the contents of a document marked "Confidential" will be disclosed by a person possessing such information only to those whose duties require that they have such information. Every person to whom confidential information is intrusted will be personally responsible for its safe-keeping.

8. How prepared for transmission; by whom opened; receipt.—Documents marked "Confidential" will be prepared for transmission in the same manner as prescribed for "Secret" documents (par. 4), except that the inner cover will contain a receipt form only when the sender deems it necessary, and that the inner cover may be opened by some responsible person other than the person addressed when so authorized.

9. "Confidential"; when, by whom, and how canceled.—The "Confidential" mark on a document may be canceled by the authority which affixed or authorized it, or by higher authority, by writing or stamping over it "Canceled by \_\_\_\_\_", or "Canceled by authority of \_\_\_\_\_" (the authority which authorizes the cancellation), and this cancellation will be dated and initialed by the officer making it. Any other "Confidential" marks on such a document will then be stricken out.

## SECTION IV

### "FOR OFFICIAL USE ONLY" DOCUMENTS

"For official use only"; when affixed; how information treated..... Paragraph 10

10. "For official use only"; when affixed; how information treated.—A document will be marked "For official use only" when it contains information which is not to be communicated to the public or to the press, but which may be communicated to any person known to be in the service of the United States whose duties it concerns, or to persons of undoubted loyalty and discretion who are cooperating in Government work. The information contained in documents marked "For official use only" will be treated accordingly.

## SECTION V

### "RESTRICTED" DOCUMENTS

"Restricted" documents described..... Paragraph 11

11. "Restricted" documents described.—A document is marked "Restricted" when it contains information regarding research work or the design, development, test, production, or use of a unit of military equipment or a component thereof which it is desired to keep secret. Such information is considered as affecting the national defense of the United States within the meaning of the Espionage Act (U. S. C. 50:31, 32). The treatment of such information and the affixing and cancellation of the marking "Restricted" are prescribed in paragraph 4½, AR 850-25.

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DOCUMENTS

ANNEX M

SECTION VI  
MILITARY MAPS AND PHOTOGRAPHS

	Paragraph
Definition	12
Classification	13
Reports	14
How Issued	15

12. Definition.—Military maps and photographs are those intended for use in connection with the training and operations of the forces of the United States; the term includes other maps and photographs which have acquired a military character by reason of overprints or notations placed upon them.

13. Classification.—a. Military maps and photographs will be classified as follows:

(1) *Secret.*

(a) In the continental United States, those illustrating an approved war plan (including local defense plans) or any phase thereof.

(b) In oversea possessions and foreign territory occupied by the forces of the United States, those illustrating an approved war plan (including local defense plans) or any phase thereof, those showing the layout of permanent defense works and naval bases and the adjacent terrain vital to their defense, and those that serve to definitely fix the location of any element of permanent defense works and naval bases.

(2) *Confidential.*

(a) In the continental United States, those showing layout of permanent defense works, and naval bases and the adjacent terrain vital to their defense, and those that serve to definitely fix the location of any element of permanent defense works and naval bases, except that when the complete map of a defense area consists of more than one sheet only those sheets showing defense elements need be classified as confidential.

(b) In oversea possessions and foreign territory occupied by the forces of the United States, those not classified as secret, showing layout of radio stations, aviation centers, supply bases, arsenals, proving grounds, or of any area vital to defense.

(3) *For official use only.*

(a) In the continental United States, those showing layout of radio stations, supply bases, arsenals, and the adjacent terrain vital to their defense, including photographs not otherwise classified, which from their nature are not suitable for public release.

(b) In oversea possessions and foreign territory occupied by the forces of the United States, all topographic maps and photographs not otherwise classified, which, from their nature, are not suitable for public release.

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SECRET, CONFIDENTIAL, ETC.

b. Responsibility for the classification of military maps and photographs rests on the following authorities, but may be delegated within their discretion to appropriate subordinate agencies:

- (1) The War Department for maps and photographs not classified as prescribed in (2) below.
- (2) Corps area and similar territorial commanders, and commanding generals of expeditionary forces and foreign garrisons when not organized as territorial departments, for areas within their control.

c. Military maps and photographs now on file will be reclassified when taken from the files for use.

d. The precautions prescribed in these regulations will be taken with maps and photographs which have not been reclassified but which are known to be "Secret", "Confidential", or "For Official Use Only."

14. Reports.—Classification and reclassification of military maps and photographs will be reported, when made, to the War Department. These reports will cover full title and legend of the material classified.

15. How issued.—Secret and confidential maps and photographs will be issued only upon written receipt, which will describe the subject matter with sufficient clearness to fully insure identification. Annually, on or about January 1, issuing officers will require renewal of such receipts or the return of the maps or photographs involved.

## SECTION VII

### MISCELLANEOUS PROVISIONS

	Paragraph
How transmitted; to whom delivered.....	16
Facts as to character thereof to be communicated with information.....	17
Documents requiring to be marked "Secret" or "Confidential".....	18
One classifying mark only, if more used.....	19
Marking; use of stamp.....	20
Safeguarding documents distributed outside the Army.....	21
Report of loss or subjection to compromise.....	22

16. How transmitted; to whom delivered.—Documents containing secret matter to be transmitted by mail will be registered. Documents containing confidential matter will be registered when the circumstances warrant it. When documents containing secret or confidential matter are transmitted by hand, the transmission will be entrusted to an officer whenever practicable; otherwise particular care will be exercised that the messenger is trustworthy. In any case such documents will be delivered in person to the officer to whom addressed or to some responsible person designated by him to receive them.

17. Facts as to character thereof to be communicated with information.—A person who communicates information concerning, or contained in, a document marked "Secret", "Confidential", "For official use only", or "Restricted", will at the same time inform the person or persons to whom he communicates the information that it is "Secret" or "Confidential" or "For official use only" or "Restricted" as the case may be.

18. Documents requiring to be marked "Secret" or "Confidential".—Any person in the military service who initiates or comes into possession of a document which in his judgment should be marked "Secret" or "Confidential" will take immediate steps to forward it to the authority competent so to mark it, following the same procedure for transmission as is prescribed in paragraphs

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4 and 16 for secret documents. This applies also to documents originating in other Government agencies bearing marks by those agencies which indicate that they are to any degree secret or confidential.

19. One classifying mark only, if more used.—A document will not be marked with more than one of the four classifying marks—"Secret", "Confidential", "For official use only", or "Restricted"; but should it, through error, be so marked, the most restrictive classification used will be observed.

20. Marking; use of stamp.—The secret or confidential stamp will be placed both at the top and the bottom of each page of all secret or confidential papers. It should be stamped well down on the page and in such a manner that the marking will not be hidden from view when the sheets are clipped together or bound.

21. Safeguarding documents distributed outside the Army.—Secret or confidential documents which, by their nature, might require distribution outside the Army will contain suitable instructions for their custody and safeguarding in conformity with the requirements of the Army Regulations.

22. Report of loss or subjection to compromise.—Any person in the military service knowing of the loss or subjection to compromise of a secret or confidential document will promptly report that fact to the custodian of the document, who will immediately report the loss or compromise to the issuing authority.

[A. G. 400.114 (5-14-34).]

BY ORDER OF THE SECRETARY OF WAR:

DOUGLAS MACARTHUR,

General,  
Chief of Staff.

OFFICIAL:

JAMES F. MCKINLEY,  
Major General,  
The Adjutant General.

ANNEX N

ANNEX N

C1-Released 6-7-37  
See Revision

\*AR 330-5  
1-3

ARMY REGULATIONS  
No. 330-5

WAR DEPARTMENT,  
WASHINGTON, February 11, 1936.

## DOCUMENTS

"SECRET", "CONFIDENTIAL", AND "RESTRICTED"

SECTION	Paragraphs
I. Definitions	1-3
II. Classification and marking of documents, except military maps and photographs	4-11
III. Classification and marking of military maps and photographs	12-15
IV. Safeguarding documents and registered publications	16-25
V. Transmitting documents	26-31

### SECTION I

#### DEFINITIONS

	Paragraph
"Document" defined	1
"Registered publication" defined	2
"Short title" defined	3

1. "Document" defined.—In this pamphlet the word "document" will be understood to apply to printed, mimeographed, typed, photostated, and written matter, and to maps, drawings, sketches, notes, blueprints, photographs, photographic negatives, and similar matter.

2. "Registered publication" defined.—A "registered publication" is a document which, because of its nature or classification, is assigned a register number by which it will be accounted for at periodic intervals to the proper office of record.

3. "Short title" defined.—A "short title" is a title which is applied to a document for purposes of security and brevity. It should give no indication of the nature, contents, or classification as to secrecy of the document. It may consist of figures, letters, words, or combinations thereof, but must include an abbreviated designation of the office of origin. A new or revised edition of an old publication should be assigned a new "short title."

### SECTION II

#### CLASSIFICATION AND MARKING OF DOCUMENTS, EXCEPT MILITARY MAPS AND PHOTOGRAPHS

	Paragraph
General	4
"Secret"; when, by whom, and how affixed	5
"Confidential"; when, by whom, and how affixed	6
"Restricted"; when and by whom affixed	7
Documents requiring to be marked "Secret", "Confidential", or "Restricted"	8
One classifying mark only; if more used	9
Marking; use of stamp	10
Reclassification; when, by whom, and how accomplished	11

\*This pamphlet supersedes AR 330-5, Feb. 12, 1935.

46384\*-36

4. General.—The classification and marking of documents as to secrecy will be conducted by the originator strictly in accordance with the principles set forth in paragraphs 5, 6, and 7. Every effort will be made to word each document so that the ~~fast~~, restrictive classification may be assigned consistent with the proper safeguarding of the contents. The probable distribution to be given the document must be considered by the originator in order that widespread dissemination may neither disclose information which must be safeguarded, nor place such a burden upon recipients that proper safeguards are neglected because of too great a volume of overclassified matter.

5. "Secret"; when, by whom, and how affixed.—A document will be classified and marked "Secret" only when the information it contains is of such nature that its disclosure might endanger the national security, or cause serious injury to the interests or prestige of the Nation, an individual, or any governmental activity, or be of great advantage to a foreign nation. A document will be classified as "Secret" only by, or by authority of, the Secretary of War, the Chief of Staff, a chief of an arm, service, or bureau, or an officer commanding a corps area, a tactical division, or a higher tactical unit, the commanding officer of a depot or exempted station, the commandant of a service school, or a military attaché. When a document is so classified, the "Secret" mark will be placed on the front page thereof and will be accompanied by the designation of the authority affixing it, or of the authority by which it is being affixed, and will be dated and initialed by the officer affixing it.

6. "Confidential"; when, by whom, and how affixed.—A document will be classified and marked "Confidential" when the information it contains is of such nature that its disclosure, although not endangering our national security, might be prejudicial to the interests or prestige of the Nation, an individual, or any governmental activity, or be of advantage to a foreign nation. A document will be classified as "Confidential" only by a commissioned officer. The "Confidential" mark will be placed on the front page of the document and will be accompanied by the designation of the office which the officer holds, if any.

7. "Restricted"; when and by whom affixed.—A document will be classified and marked "Restricted" when the information it contains is for official use only or of such nature that its disclosure should be limited for reasons of administrative privacy, or should be denied the general public. The "Restricted" mark will be placed on a document only by authority of a commissioned officer.

8. Documents requiring to be marked "Secret", "Confidential", or "Restricted".—Any person in the military service who initiates or comes into possession of a document which in his judgment should be marked "Secret", "Confidential", or "Restricted" will take immediate steps to forward it to the authority competent so to mark it, following the same procedure for transmission as is prescribed for the transmission of documents already bearing such marking. This applies also to documents originating in governmental agencies other than the War Department.

9. One classifying mark only; if more used.—A document will not be marked with more than one of the three classifying marks—"Secret", "Confidential", or "Restricted"; but should it, through error, be so marked, the most restrictive classification used will be observed.



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"SECRET", "CONFIDENTIAL", AND "RESTRICTED"

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10. Marking; use of stamp.—Except in the case of printed documents of the War Department or of general headquarters in the field, in addition to the marks required by paragraphs 5 and 6, the "Secret", "Confidential", or "Restricted" stamp will be placed both at the top and at the bottom of each page of all secret, confidential, or restricted papers. It should be stamped well down on the page and in such a manner that the marking will not be hidden from view when the sheets are clipped together or bound.

11. Reclassification; when, by whom, and how accomplished.—When a document ceases to be secret, confidential, or restricted, its classification may be canceled by the authority which affixed or authorized it, or by higher authority, by writing or stamping "Canceled by \_\_\_\_\_" or "Canceled by authority of \_\_\_\_\_" (the authority which authorizes the cancellation), over the mark on the top of the first page of the document, and this cancellation will be dated and initialed by the officer making it. Any other classifying marks on such a document will then be stricken out. If a less restrictive classification is to be given such a document, the provisions of paragraphs 6, 7, and 10 will be followed.

### SECTION III

## CLASSIFICATION AND MARKING OF MILITARY MAPS AND PHOTOGRAPHS

Definition	Paragraph
Classification	12
Reports	13
How issued	14
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12. Definition.—Military maps and photographs are those intended for use in connection with the training and operations of the forces of the United States; the term includes other maps and photographs which have acquired a military character by reason of overprints or notations placed upon them.

13. Classification.—a. Military maps and photographs will be classified and marked as follows:

#### (1) Secret.

- (a) In the continental United States, those illustrating an approved war plan (including local defense plans) or defense project, or any phase thereof.
- (b) In oversea possessions and foreign territory occupied by the forces of the United States, those illustrating an approved war plan (including local defense plans) or defense project, or any phase thereof, those showing the layout of permanent defense works and naval bases and the adjacent terrain vital to their defense, and those that serve to fix definitely the location of any element of permanent defense works and naval bases.

#### (2) Confidential.

- (a) In the continental United States, those showing layout of permanent defense works, and naval bases and the adjacent terrain vital to their defense, and those that serve to fix definitely the location of any element of permanent defense works and naval bases, except that when the complete map of a defense area consists of more than one sheet only those sheets showing defense elements need be classified as confidential.

(b) In oversea possessions and foreign territory occupied by the forces of the United States, those not classified as secret, showing layout of radio stations, aviation centers, air fields, supply bases, arsenals, proving grounds, or of any area vital to defense.

(3) *Restricted*. (Formerly "For official use only.")

(a) In the continental United States, those showing layout of air fields, radio stations, supply bases, arsenals, and the adjacent terrain vital to their defense, including photographs not otherwise classified, which from their nature are not suitable for public release.

(b) In oversea possessions and foreign territory occupied by the forces of the United States, all topographic maps and photographs not otherwise classified, which, from their nature, are not suitable for public release.

b. Responsibility for the classification of military maps and photographs rests on the following authorities, but may be delegated within their discretion to appropriate subordinate agencies:

(1) The War Department for maps and photographs not classified as prescribed in (2) below.

(2) Corps area and similar territorial commanders, and commanding generals of expeditionary forces and foreign garrisons when not organized as territorial departments, for areas within their control.

c. Military maps and photographs now on file will be reclassified when taken from the files for use.

d. The precautions prescribed in these regulations will be taken with maps and photographs which have not been reclassified but which are known to be "Secret", "Confidential", or "Restricted."

e. The provisions of paragraphs 8, 9, 10, and 11 will apply in marking and classifying maps and photographs.

14. Reports.—Classification and reclassification of military maps and photographs will be reported, when made, to the War Department. These reports will cover full title and legend of the material classified. A short title may be added for convenience in further accounting.

15. How issued.—"Secret" and "Confidential" maps and photographs will be issued only upon written receipt. Semiannually, on or about January 1 and June 30, issuing officers will require renewal of such receipts or the return of the maps or photographs involved.

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SECTION IV

SAFEGUARDING DOCUMENTS AND REGISTERED PUBLICATIONS

	Paragraph
General instructions	16
Registered publications; designation and safeguarding	17
Safeguarding contents of "Secret" documents	18
Safeguarding contents of "Confidential" documents	19
Safeguarding contents of "Restricted" documents	20
Safeguarding contents of other official communications	21
Safeguarding technical secrets	22
Safeguarding documents distributed outside the Army	23
Navy documents	24
Report of loss or subjection to compromise	25

16. General instructions.—a. "Secret" and "Confidential" documents will be habitually kept in locked safes or other suitable locked containers when not required for immediate use. The most secure storage space available, which should be at least a three-combination safe, will be assigned to the storage of secret and confidential codes, ciphers, war plans, defense projects, and other registered publications.

b. No information as to the contents of "Secret", "Confidential", or "Restricted" documents will be revealed in any other document which is not in itself marked with the same or a higher classification. However, documents referring to a "Restricted" project, but which do not contain technical information regarding it, need not be marked "Restricted."

c. A person who communicates information concerning, or contained in, a document marked "Secret", "Confidential", or "Restricted", will at the same time emphasize to the person or persons to whom he communicates the information that it is "Secret", "Confidential", or "Restricted", as the case may be.

d. Clerical work on secret and confidential matter will be performed only by exceptionally trustworthy clerks; preliminary drafts and work sheets will be destroyed. Stenographic notes will be destroyed or placed under lock and key.

e. An officer will, upon change of station or severance from the military service, return to the source from which received, or otherwise properly account for all "Secret" and "Confidential" documents issued to him.

f. Messages in secret or confidential codes or ciphers will be handled and safeguarded as prescribed in the instructions pertaining to such codes and ciphers, and in accordance with Army Regulations.

17. Registered publications; designation and safeguarding.—a. The chief of arm, service, or bureau or other officer authorized to originate and issue "Secret" documents will designate as a "Registered publication" every "Secret" document, except correspondence and communications, issued by him, and will cause a semiannual accounting for all copies of such registered publications to be made to him, or to other designated office of record. The designation "registered publication" may also be applied to "Confidential" documents in such cases as the originator may determine as necessary for the public welfare.

b. Every "Registered publication" will have assigned to it a register number by which it will be accounted for at regular intervals to the proper office of record. The classification, the register number, the short title, instructions for its ultimate disposal, and instructions covering the returns required for its accounting will be placed on the title sheet or inside front cover of every such

"Registered" publication; if this is impracticable, the required data will accompany the registered publication on a separate sheet.

c. Every recipient of "Registered publications" will keep at all times a complete inventory of all "Registered publications" in his charge. He will make, or cause to be made by a commissioned custodian designated by him, on June 30 and December 31 of each year, an accurate return to the proper offices of record, of all "Registered publications" on hand, based on physical inventory by two commissioned officers, if available, one of whom will be the custodian.

d. Access to the containers, and the combinations or keys thereto, of "Registered publications" will be permitted only to commissioned officers and, unless otherwise prohibited in regulations pertaining to codes and ciphers, to specially trusted civilian employees specifically authorized by the responsible chief of arm, service, or bureau. Safes containing "Registered publications" will habitually be kept locked, with the full combination operative, whenever they are not under the direct supervision of a person officially entrusted with the combination thereof.

e. When the classification of a "Registered publication" is changed in accordance with paragraph 11, the designated office of record will notify all recipients of such publication of the changed classification thereof.

18. Safeguarding contents of "Secret" documents.—a. The distribution and dissemination of secret matter will be confined to the absolute minimum. Secret matter is exclusively for the official use of the person to whom it is divulged. To maintain its inviolability is the duty and responsibility of each person having knowledge or custody thereof, no matter how obtained. It will not be discussed or referred to in the presence of persons not authorized to have knowledge thereof. An officer by virtue of his commission alone is not entitled to knowledge of secret matter. Information as to the contents, nature, or whereabouts of "Secret documents" will be disclosed only to those persons in the Government service whose official duties require such knowledge, and to such other responsible persons of especial trust as of absolute necessity must be informed.

b. No document marked "Secret" will be taken into front line trenches in a theater of war, or to any other place in which there is a similar danger of capture by the enemy.

c. Documents classed as "Secret" will not be referred to or listed in any catalog or publication which is not itself marked "Secret," except that receipts, returns, and reports of transfer or destruction need not be classified if reference to the related document be made by file number or short title only, with no indication of the subject matter or the nature of the classification.

19. Safeguarding contents of "Confidential" documents.—Persons to whom confidential matter is entrusted or disclosed are responsible for its safe custody and security. It will not be discussed nor disclosed in the presence of persons not authorized to have knowledge thereof. Information as to the contents, nature, or whereabouts of confidential documents will be disclosed only to those persons in the Government service whose duties require that they have such knowledge, and to such other persons of especial trust as of necessity must be informed.

20. Safeguarding contents of "Restricted" documents.—The information contained in documents marked "Restricted" will not be communicated to the public or to the press, but it may be communicated to any person known to

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"SECRET", "CONFIDENTIAL", AND "RESTRICTED"

be in the service of the United States, and to persons of undoubted loyalty and discretion who are cooperating in governmental work.

21. Safeguarding contents of other official communications.—The contents of official communications, whether or not classified as to secrecy, will not be revealed except to those officially entitled to receive them. See paragraph 7, AR 340-15.

22. Safeguarding technical secrets.—Chiefs of arms and services charged with responsibility for the initiation of measures to protect technical secrets in the interest of the public welfare (par. 4, AR 600-700) will base such measures upon the provisions of these regulations and Section VI, AR 550-25.

23. Safeguarding documents distributed outside the Army.—"Secret" or "Confidential" documents which, by their nature, might require distribution outside the Army will contain suitable instructions for their custody, safeguarding, and ultimate disposition in conformity with the requirements of Army Regulations.

24. Navy documents.—All requests for Navy secret and confidential documents will be submitted to The Adjutant General. Secret and confidential documents of other departments, when in possession of Army activities, will be safeguarded with the same care as Army "Secret" and "Confidential" documents and will be accounted for in the manner required by the issuing department.

25. Report of loss or subjection to compromise.—Any person in the military service knowing of the loss or subjection to compromise of a "Secret" or "Confidential" document will promptly report that fact to the custodian of the document, who will immediately report the loss or compromise to the issuing authority.

SECTION V

TRANSMITTING DOCUMENTS

	Paragraph
"Secret" documents; how prepared for transmission; by whom opened; receipt.....	26
"Secret" documents; how transmitted.....	27
"Confidential" documents; how prepared for transmission; by whom opened; receipt.....	28
"Confidential" documents; how transmitted.....	29
"Restricted" documents; how transmitted.....	30
Transmission by airplane prohibited except in emergency.....	31

26. "Secret" documents; how prepared for transmission; by whom opened; receipt.—a. Except during the process of local distribution in the personal custody of persons authorized to handle such matter for transmission to another person, the sender of a document marked "Secret" will inclose it in an inner and an outer cover. The inner cover will be a sealed wrapper or envelope addressed in the usual way, but plainly marked "Secret" in such manner that the notation may be most readily seen when the outer cover is removed. The inner cover will contain a receipt form which will identify the addressor, the addressee, and the document. The package thus prepared will then be inclosed in an outer cover, which will be sealed and addressed in the ordinary manner with no notation to indicate the secret nature of the contents.

b. So far as practicable the inner cover marked "Secret" will be opened only by the person to whom addressed. When the inner cover is opened, the receipt form will be dated and signed by the addressee and returned to the sender at the earliest practicable moment.

27. "Secret" documents; how transmitted.—"Secret" documents will be transmitted by an officer messenger or courier whenever practicable. When it is impracticable to transmit secret documents by an officer messenger or courier within the continental limits of the United States, they will be transmitted by registered mail. For transportation to and from points outside the continental limits of the United States, when officer courier is not available, they may be transported by State Department rotary-lock pouch; in the event that neither officer courier nor diplomatic pouch is available, the responsible officer may designate as couriers for this purpose citizens of the United States who are deemed worthy of special trust, such as officers or officials of other Government Departments, or masters of vessels under United States registry. Commanding officers of ports of embarkation will arrange for the safe transportation of documents forwarded to them for transmission, entrusting them to the commanding officer of troops on an Army transport when this is practicable and will not involve undue delay.

28. "Confidential" documents; how prepared for transmission; by whom opened; receipt.—Documents marked "Confidential" will be prepared for transmission in the same manner as prescribed for "Secret" documents (par. 26), except that the inner cover will contain a receipt form only when the sender deems it necessary, and that the inner cover may be opened by some responsible person other than the person addressed when so authorized by the addressee.

29. "Confidential" documents; how transmitted.—Documents marked "Confidential" when transmitted by hand will be entrusted only to especially trustworthy messengers. For transmission by mail or express within the continental limits of the United States, "Confidential" documents will be sent by registered mail or insured express. For transmission to and from points outside the United States, they may be sent as prescribed in paragraph 27 for "Secret" documents, or by registered mail on vessels under United States registry, provided they do not pass through any foreign postal systems or the postal systems of the Philippines.

30. "Restricted" documents; how transmitted.—Documents marked "Restricted" may be transmitted by ordinary mail, express, or freight to any point. When transmitted by hand, they will be entrusted only to reliable messengers.

31. Transmission by airplane prohibited except in emergency.—Except in emergency, "Secret" and "Confidential" documents will not be transported by airplane (as distinguished from carried for use). When so transported they will be securely wrapped, and weighted if necessary, and will be in the actual custody of an officer not engaged in the flying of the airplane, who will be responsible for their security.

[A. G. 312.11 (1-3-30).]

BY ORDER OF THE SECRETARY OF WAR:

MALIN CRAIG,  
Chief of Staff.

OFFICIAL:

E. T. CONLEY,  
Major General,  
The Adjutant General.

ANNEX O

*Superseded by AR 850-25, July 23, 1936*

**COPY 1**

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•C 8

## MISCELLANEOUS

### TYPES OF EQUIPMENT USED BY THE UNITED STATES ARMY

CHANGES  
No. 3

WAR DEPARTMENT,  
WASHINGTON, February 12, 1935.

AR 850-25, July 15, 1931, is changed as follows:

#### 4. Technical committees.

d. (As changed by C 2, Dec. 28, 1933.) The representatives of other arms and services will participate in technical committee meetings at which subjects are acted upon in which their own arms and services have an interest. The Assistant Secretary of War and the Assistant Chiefs of Staff, Supply Division and Operations and Training Division will be notified of all meetings. Representatives of their offices will attend those meetings of the technical committees when important matters are under discussion and will also attend other meetings when necessary to insure close liaison with these committees.

[A. G. 400.114 (2-3-33).]

4½. Safeguarding and disclosing of information regarding research and development work and military equipment.—a. Technical information regarding research and development work on projects of a general scientific or engineering nature and not included in b or c below is not considered confidential. Such work may be discussed with persons in or outside the military service who have a legitimate interest therein, and its discussion with persons who, because of their qualifications, may be able to offer constructive criticisms or valuable suggestions is considered desirable. Papers describing such work may, with the prior approval of the chiefs of the arms or services responsible for the project, be presented before appropriate scientific or technical societies or published in appropriate publications. In the preparation and presentation or publication of such papers, the recognized professional ethics of workers in similar fields will be strictly observed.

b. Technical information regarding military equipment or components thereof, and development projects involving the same which are not included in c below, may be communicated to persons known to be in the service of the United States and citizens of the United States who are cooperating in the work or are otherwise reasonably and legitimately entitled to receive such information. It will be communicated to other persons than those mentioned above, or to the public, or to the press only with the approval of the chief of the arm or service responsible for the development and supply of such equipment.

c. (1) Whenever the chief of an arm or service which is charged with a research project or the design, development, test, and production of a unit of military equipment or component thereof, shall determine that the maintenance of secrecy regarding any such project is sufficiently important to the national defense of the United States to warrant it, he may declare it a

\* These changes supersede C 2, December 28, 1933.



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"Restricted" project. Information regarding a "Restricted" project will be considered to be information affecting the national defense within the meaning of the provisions of the Espionage Act (secs. 1 and 2, Title I, act June 15, 1917 (40 Stat. 218; U. S. C. 50: 31, 32; secs. 2181 and 2182, M. L., 1929)), the pertinent provisions of which are—

Section 1. \* \* \* (d) whoever, lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or (e) whosoever, being intrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, or information, relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years or both.

Sec. 2. (a) Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than twenty years: *Provided*, That whoever shall violate the provisions of subsection (a) of this section in time of war shall be punished by death or by imprisonment for not more than thirty years; \* \* \*

(2) When a project has been declared a "Restricted" project, the chief of the arm or service responsible for the project will take the necessary steps to inform all persons concerned, including non-Government employees of such action.

(3) Information regarding a "Restricted" project may be communicated only to persons in the military or naval service of the United States (including civilian employees) whose duties it concerns and to American citizens of undoubted loyalty and discretion who are cooperating in the work on the project.

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## TYPES OF EQUIPMENT USED BY U. S. ARMY

(4) All persons into whose hands information regarding a "Restricted" project may come are charged with the strictest observance of the provisions of law quoted in (1) above and will be held responsible that no such information in their possession falls into unauthorized hands.

(5) When, in the opinion of the chief of the arm or service responsible for a "Restricted" project, the need for secrecy regarding any such project no longer exists, he may cancel the classification, after which the information regarding the project will revert to the status described in *a* and *b* above.

(6) During the period that a project has a restricted status, all documents, such as drawings, specifications, contracts, correspondence, etc., containing technical information regarding it will be identified by being marked substantially as follows:

## RESTRICTED

*Notice.*—This document contains information affecting the national defense of the United States within the meaning of the Espionage Act (U. S. C. 50:31, 32). The transmission of this document or the revelation of its contents in any manner to any unauthorized person is prohibited.

Documents referring to a "Restricted" project, but which do not contain technical information regarding it need not be so identified.

*d.* No information or facilities will be furnished to private manufacturers for the purpose of enabling them to execute orders for foreign sales of arms or munitions, except by specific authority of the Secretary of War in each case.

[A. G. 400.114 (5-14-34).]

13. Recommendations of classification of items of equipment and supply.—*a.* . . . . .

(4) Recommendations as to—

(a) (As changed by C 2, Dec. 28, 1933.) Whether the proposed item should be classed as an essential item. An item will be considered essential if it is or is to be included in the war reserves and is unobtainable from civil stocks or production in time and quantity required.

[A. G. 400.114 (3-10-33).]

(b) (As changed by C 1, Oct. 31, 1932.) The priority, if any, that should be given to the proposed essential item. Three stars (\*\*\*) will be added after the name of the item to indicate "Urgent" priority; two stars (\*\*) for "Rush" priority; and one star (\*) for "Special" priority. An unstarred essential item will be procured or produced under normal conditions and after other priorities, in the case of conflicts, have been satisfied.

[A. G. 381.4 (7-14-32).]

16. Reports.—*a. Reports of using arm and service boards.*—The board of each using arm or service in which a permanent board such as the Infantry

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Board, the Cavalry Board, etc., is maintained will prepare and forward to its respective chief of arm or service a semiannual progress report on form A, as shown in appendix A. These reports will be transmitted to The Adjutant General with such comments as may be pertinent by the chief of arm or service. Copies, or extract copies of these reports, and comments will be furnished the supply arms and services concerned. At the same time that the semiannual progress report is submitted, the using arms and services will submit a separate report of projects of a secret nature. Copies, or extract copies of these secret reports, and comments thereon, will be furnished the supply arms and services concerned. These reports will be restricted to experimental and development work and tests on items of equipment and supply and will cover only the more important items which have been referred to the board for investigation or test, segregated by supply arm or service. They will show authorization for each test, with file number, and will contain remarks opposite each item in sufficient detail to give a clear picture of what is being done, difficulties being experienced, conclusions reached, and predicted date of completion.

*b. Reports of supply services.*—The Chief of the Chemical Warfare Service, the Surgeon General, the Chief of Ordnance, and the Quartermaster General will prepare and transmit to The Adjutant General reports similar to those prescribed for the using arms and services in *a* above.

*c. Annual survey of equipment.*—Chiefs of using arms or services will submit to The Adjutant General on or before December 31 of each year a survey of equipment used by their arms or services but developed by some other arm or service. This survey will be restricted to constructive criticism of items which are included in Tables of Basic Allowances or Allowances and which are considered susceptible of improvement or replacement. These criticisms will not include unsatisfactory items concerning which it is known that the supply arm or service concerned is taking suitable corrective measures, although any military characteristics not met by existing Tables of Basic Allowances or Allowances and known not to be under development or consideration may be referred to but will be submitted under a separate report. Items reported upon will be grouped by supply arm or service. An extract copy of so much of this report as is pertinent will be furnished each supply arm or service by the reporting arm or service. Supply arms or services will compare the criticisms received from using arms or services and will report to The Adjutant General on or before the following March 1 what action will be taken on the criticisms received.

*d. Reports on development of substitutes.*—Chiefs of supply arms and services who receive funds for the purpose of conducting research and development work relating to the development of substitutes for strategic or critical materials required in procurement specifications for standard items of equipment and supply or funds for making improvements in the manufacturing processes, methods, and facilities for speeding up production, will submit an annual report to The Assistant Secretary of War. This report will be submitted not later than September 1, and will cover the preceding fiscal year. The report will set forth the funds received and the work accomplished. Projects and subprojects will be identified with projects and subprojects appearing in the approved program of expenditures of the War Department.

[A. G. 400.114 (10-18-34).]

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TYPES OF EQUIPMENT USED BY U. S. ARMY

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17. Inventions.

d. (As changed by C 2, Dec. 28, 1933.) This will not be construed as requiring chiefs of supply arms and services to refer devices which are conceived and designed in their arms and services in connection with approved development projects on matériel, the responsibility for the design and development, or procurement of which, is directly charged to them.

[A. G. 400.114 (4-21-33).]

g. (As added by C 2, Dec. 28, 1933.) The foregoing provisions will not apply to correspondence relating to unpatented inventions, the purpose of which is the patenting of such inventions. Such correspondence is classified and handled as "Confidential." See AR 850-50.

[A. G. 400.114 (4-21-33).]

BY ORDER OF THE SECRETARY OF WAR:

DOUGLAS MACARTHUR,  
General,  
Chief of Staff.

OFFICIAL:

JAMES F. MCKINLEY,  
Major General,  
The Adjutant General.

C

ANNEX P

In reply refer to:  
G-2/271-A-104

WAR DEPARTMENT  
WAR DEPARTMENT GENERAL STAFF  
MILITARY INTELLIGENCE DIVISION G-2  
WASHINGTON, D. C.

ANNEX P

G-2  
JHL

January 3, 1936.

MEMORANDUM FOR THE CHIEF OF STAFF:

Subject: Revision of AR 330-5, Documents.

I. The problem presented.

Shall AR 330-5, Documents, be revised in order to attain greater security in the handling and safeguarding of secret and confidential documents and to coordinate Army Regulations with those of the Navy?

II. Facts bearing upon the problem.

1. The Navy Department has twice, on December 28, 1932, and on January 25, 1935, formally requested the War Department to establish a single standard of security requirements for the two services in handling and safeguarding secret and confidential documents. Replies to both communications indicated that it was thought impracticable for the two services to operate under identical regulations.

2. The differences which have long existed in the regulations of the two services have been further increased by the introduction of the term "Restricted" into Army Regulations 330-5, in the revision dated February 12, 1935, with a meaning greatly different from that of the same term as employed by the Navy, which uses it on documents of all kinds in place of our "For Official Use Only." While it is true that our term "Restricted" is applied only to documents affecting the national defense within the meaning of the Espionage Act, it is especially desirable that no confusion regarding the meaning of this term should exist in the minds of manufacturers and others who do business with both the Army and the Navy. In order to eliminate differences in terminology and establish common standards with the Navy, and to increase the security afforded to secret and confidential matters, a complete revision of AR 330-5 has been prepared. A summary of important changes is attached hereto as Appendix A; a cross index of old and revised paragraphs is attached as Appendix B.

① A. S. 3/2/11  
(1-3-36)

3. In preparing the attached revision of AR 330-5, the detailed recommendations and suggestions of the Chief Signal Officer and the Chief of Chemical Warfare Service, and the comments of the Chief of Ordnance, Chief of Engineers, and Chief of the Air Corps have been carefully considered, and adopted with very minor exceptions. The revision has been very carefully examined by two officers on duty in the Office of the Chief of Naval Operations, who have stated in writing that its adoption will bring the two services into practically complete agreement on this subject.

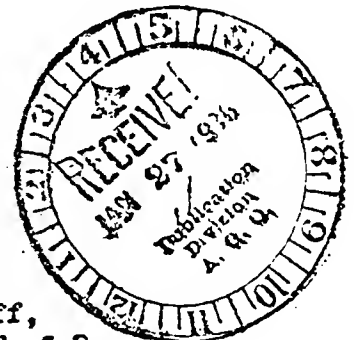
4. Because of the proposed adoption of the term "Restricted" in place of "For Official Use Only," it is necessary that paragraph 4 $\frac{1}{2}$ , AR 850-25, be drastically revised. Since the Assistant Chief of Staff, G-4, is engaged in a complete revision of AR 850-25, this office has cooperated by expanding and revising paragraph 4 $\frac{1}{2}$  in Section VI thereof; a copy is attached in order that related subjects may be considered together.

### III. Recommendations.

The Secretary of War directs that the attached revision of AR 330-5, Documents, be published.

### IV. Concurrences.

A. C. of S., G-4	( <i>W.C.</i> )	concurs.
The Adjutant General	( <i>OTC</i> )	concurs.
A. C. of S., WPD	( <i>SSG</i> )	concurs.
A. C. of S., G-1	( <i>W.C.</i> )	concurs.



*F. H. Lincoln*  
F. H. LINCOLN,  
Colonel, General Staff,  
Assistant Chief of Staff, G-2.

Appendix A  
Appendix B

11 Received A. G. O. JAN 27 1936  
3 encls.

AR 330-5, Feb. 12, 1935  
Revision of AR 330-5  
Draft Sec. VI, AR 850-25

Received A. G. O.

JAN 27 1936

eb JAN 25 1936

APPROVED  
By order of the Secretary of War

GEO. S. SIMONDS

Major General  
Deputy Chief of Staff.

NOTED - CHIEF OF STAFF

CHIEF OF STAFF

FILE  
JAN 29 1936  
B.R.

## SUMMARY OF CHANGES IN AR 330-5, AS REVISED.

The most important changes recommended are outlined below:

- Paragraph 3 authorizes short titles for documents; such titles are used by the Navy.
- Paragraph 4 tends to decrease the number of documents classified as secret or confidential
- Paragraphs 5 and 6 adopt the Navy definitions for "Secret" and "Confidential" matter.
- Paragraph 7 adopts the term "Restricted" in place of "For Official Use Only." This accords with Navy practice and eliminates one of the four classifications of documents now prescribed in AR 330-5.
- Sec. III extends to maps and photographs the principles which apply to other documents.
- Paragraph 16a prescribes the use of locked containers, and remedies a deficiency of our present regulations.
- Paragraph 17, by designating certain documents as "Registered Publications," and prescribing rules for their safeguarding and accounting, this paragraph extends to war plans, defense projects and other documents the protection now accorded codes and ciphers distributed by the Signal Corps. It is a modification of the system used by the Navy.
- Paragraph 18. This is a complete revision of the present paragraph 3, and permits divulging secret information to persons not in the Government service, a change which is necessary if the term "secret" is to be applied to technical information.
- Paragraph 19. Complete revision of the present paragraph 7, in conformity with revised paragraph 18.
- Paragraph 24 requires documents issued by other Departments to be accounted for in the manner prescribed by the issuing department.
- Paragraph 27 prohibits sending secret documents by registered mail outside continental limits of United States. It is in accordance with the present practice of certain War Department agencies, and conforms to Navy regulations.
- Paragraph 29 prescribes that confidential documents sent by mail be registered.

The subject matter of the following paragraphs is not contained in AR 330-5 dated February 12, 1935:

Paragraphs: 2, 3, 4, 17, 21, 30, 31

34  
2-1-35



ANNEX Q

# United States Navy Regulations

ANNEX Q

1920

Reprinted, 1938, with all changes  
up to and including No. 19

✓ Navy Dept



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON: 1939

For sale by the Superintendent of Documents, Washington, D. C. - - - - - Price \$1.25

or office from which received, and all such publications shall be distributed promptly upon receipt. Commanding officers, afloat and ashore, shall promptly notify the office or bureau responsible for furnishing them with publications, in accordance with paragraph (11) of this article, of any change in the number of such publications required for distribution.

C. N. R. 3.

(13) Drill books shall be distributed by the Bureau of Navigation, and the records thereof shall be kept in that bureau, except the "Drill Book for the Hospital Corps," for which the Bureau of Medicine and Surgery shall perform the above-mentioned duties. All receipts for and reports in regard to such publications shall be addressed and forwarded accordingly.

C. N. R. 11.

(14) Naval courts and boards, and orders for all changes therein, shall be distributed by the Bureau of Navigation, and the records thereof shall be kept in that bureau.

(15) The manuals or circulars of instructions authorized by article 74, and orders for all changes therein, shall be distributed by the bureau or office concerned, and the records thereof shall be kept in such bureau or office.

(16) The information circulars authorized, and instructions for all changes therein, shall be distributed by the bureau or office concerned, and the records thereof shall be kept in such bureau or office.

(17) When an officer resigns or otherwise severs his connection with the naval service, he shall return all technical books, bureau manuals, and other Government property in his possession to his commanding officer, or to the source from which received in the cases provided for in article 76 (10), or, if there be no commanding officer, to the Navy Department, and he shall report the fact in writing to his commanding officer (copy to the Navy Department) or to the Navy Department direct, as the case may be.

Disposition of publications, etc., by an officer leaving the naval service.  
C. N. R. 15.

## 75½

(1) (a) Any matter of such nature that special precautions should be taken to insure that information concerning it shall be permanently or temporarily limited in circulation shall be classified as *secret*, *confidential*, or *restricted*. The term "*classified matter*" shall be used in the naval service as a generic term comprising *secret*, *confidential*, and *restricted* categories to distinguish between matter which requires special provisions for safeguarding and matter which either needs no safeguarding or whose safeguarding can well be entrusted entirely to the discretion of the various custodians and which is normally referred to as *nonclassified matter*.

Secret, confidential, and restricted matter.  
C. N. R. 15.  
C. N. R. 18.  
C. N. R. 19.

(b) The three categories of *Classified matter* are defined as follows:

*Secret* matter is matter of such a nature that its disclosure might endanger the national security, or cause serious injury to the interests or prestige of the Nation or any Government activity thereof.

*Confidential* matter is matter of such a nature that its disclosure, while not endangering the national security, would be prejudicial to the interests or prestige of the Nation or any Government activity thereof.

*Restricted* matter is matter of such a nature that its disclosure should be limited for reasons of administrative privacy; or, is matter not classified as *confidential* because the benefits to be gained by a lower classification outweigh the value of the additional security obtainable from the higher classification.

Initial classification.

(2) (a) The originator of matter shall be responsible for its proper initial classification, and shall provide a means of identification of this assigned classification by subsequent custodians.

Reclassification up.

(b) Each person who may receive custody of any matter shall be responsible for its safeguarding in accordance with the assigned classification. If the custodian believes the assigned classification is not sufficiently restrictive, he shall safeguard the matter in accordance with the higher classification he deems proper. If the custodian or other competent authority believes reclassification in a more restrictive category is of sufficient importance, either the subject shall be referred back to the originator for proper classification or be referred to the Chief of Naval Operations with recommendation as to its proper classification.

Reclassification down.

(c) The originator of *classified matter*, his superiors in the chain of command, chief of a cognizant bureau, and the Chief of Naval Operations, may reclassify matter in a less restrictive category when the necessity for the original classification no longer exists. When *classified matter* has been reclassified in a less restrictive category, all custodians or addressees will be informed by the authority reclassifying same. In the case of registered publications issued by the Registered Publication Section, the Chief of Naval Operations will notify custodians of the reclassification.

Dispatches.

(d) As the security of the cryptographic system used for a classified radio or landwire dispatch may be much more important than the security of the message for which that system is used, special instructions are necessary for the classification of such dispatches. The Chief of Naval Operations shall issue instructions for the classification of radio and landwire dispatches.

C. N. R. 19.

(c) Communications other than noted in paragraph (d) above shall be classified in accordance with the nature of the information contained therein, but, any communication liable to disclose matter, the very existence of which it is desired to conceal, shall be classified as either *secret* or *confidential*, according to the category of the matter itself.

Other communications.

(f) Any item of equipment on board a vessel in commission shall, in the absence of instructions to the contrary, and when not contrary to the provisions of paragraph 2 (b) above, be considered as *nonclassified matter*. When material or equipment intended for shipboard use is in a design or development status, the cognizant bureau shall be responsible for its classification. If an item of equipment or material is to remain in a *classified* status on issue to the naval service, the cognizant bureau shall designate its classification within such general limitations as may be prescribed by the Chief of Naval Operations.

Shipboard equipment.

(3) (a) The responsibility for the maintenance of the inviolability of *secret* matter rests upon each person having knowledge or custody thereof no matter how obtained. Any person having knowledge or suspicion that *secret* matter has been compromised shall immediately and fully report the facts to the Chief of Naval Operations via his commanding officer.

Responsibility.

(b) The responsibility for the security of *confidential* matter rests upon each person having knowledge or custody thereof. Whenever any person has reason to believe that *confidential* matter has come to the knowledge of unauthorized persons he shall immediately make full report of the facts to the Chief of Naval Operations via his commanding officer.

(c) The responsibility for the security of *restricted* matter rests upon those persons to whom it is entrusted or disclosed, subject to such special instructions as may be prescribed by the originator or other competent authority. Whenever any person has reason to believe that *restricted* matter has been compromised, he shall notify the administrative head charged with custody of the subject matter who shall take appropriate action.

(4) (a) Information as to the existence, nature, or whereabouts of *secret* matter shall, except as specifically authorized by the Chief of Naval Operations, be disclosed to only those persons in the Naval Establishment whose official duties require such knowledge. *Confidential* matter may be disclosed to officers of the Navy whose duties render it advisable that they have such information and to other persons in the Naval Establishment whose duties require knowledge thereof. *Restricted* matter may be disclosed to persons of the Naval Establishment in accordance with special instructions issued by the originator and other

Disclosure to persons in the naval service.

competent authority, or in the absence of special instructions, as determined by the local administrative head charged with custody of the subject matter.

Disclosure to persons in Government service other than naval.

(b) Information as to the existence, nature, or whereabouts of *secret* matter shall, except as specifically authorized by the Chief of Naval Operations, be disclosed only to those persons in the Government service whose official duties require such knowledge. *Confidential* matter may be disclosed to persons in the Government service who must be informed, and to other persons therein when, under special circumstances, such disclosure is to the interest of the Navy. *Restricted* matter may be disclosed to persons of discretion in the Government service when it appears to be to the public interest.

Disclosure to person not in the Government service.

(c) Information as to the existence, nature, or whereabouts of *secret* matter shall, except as specifically authorized by the Chief of Naval Operations, be disclosed only to persons not in the Government service who, under conditions of absolute necessity, must be informed. *Confidential* matter may be disclosed to persons not in the Government service who must be informed and to others when special circumstances make such disclosure of benefit to the Navy. *Restricted* matter may be disclosed, under special circumstances, to persons not in the Government service when it appears to be in the public interest.

Safeguards.

(a) Nothing contained in this article shall be construed as authorizing the disclosure of any information contrary to custom or the letter or spirit of existing instructions which may be applicable to a particular subject matter.

(b) The disclosure of information, *classified* or *nonclassified*, that might aid a foreign power or which, for reasons of public policy, should not be disclosed to persons not of the Military or Naval Establishments, is prohibited except under circumstances specifically authorized by these regulations.

(c) *Classified* matter shall not be discussed in the presence of persons not authorized to have knowledge thereof.

(d) The distribution or dissemination of *secret* matter shall be confined to the absolute minimum. It is exclusively for the official use of the persons to whom it is divulged. *Secret* matter shall not be referred to in any communication or publication having a lesser degree of classification than the subject matter, except as prescribed by paragraph (2) (e) of this article.

(e) An officer, by virtue of his commission alone, is not authorized to have knowledge of *secret* or *confidential* matter.

C. N. R. 19.

(6) Persons within the naval service who receive matter originated by another Government agency and designated by that agency as having any degree of confidentiality shall safeguard such matter in the same manner as if it had been so designated by naval authority. If the Government agency from which such matter is received does not employ the same classification of *secret, confidential, or restricted* as used by the Navy, the recipient in the naval service shall be responsible for giving such matter its appropriate classification for handling within the naval service.

Classified matter originating in other Government departments.

C. N. R. 19.

"Documents"  
defined.  
C. N. R. 15.

(1) (a) The term "documents" as used in this connection will be understood to embrace physical matter in the nature of publications (books, booklets, pamphlets, codes, ciphers), charts, blueprints, letters, messages, photographs, photographic negatives, sketches, plans, maps, writings, notes, and other like matter.

Marking.  
C. N. R. 15.

(b) Where a document is of such nature as to permit of so doing and to necessitate classification in accordance with article 75½ it shall be conspicuously stamped or marked "secret," "confidential," or "restricted," on the first page and on the cover and title page, if any, and in addition, each sheet of a secret document shall be so stamped or marked. It is not intended that this article shall apply to documents which by order or custom are limited in circulation without special identification, such as fitness reports, and the records of courts martial and courts of inquiry.

How prepared  
for transit.  
C. N. R. 15.

(2) Except during the process of local distribution in the custody of persons authorized to handle such matter, secret and confidential documents shall, while in transit, be placed in double wrappings or envelopes. The inner covering shall be plainly marked or stamped "secret," or "confidential." The outer covering shall bear the address only and shall not, under any circumstances, contain anything whatsoever to indicate the secret or confidential nature of its contents.

Registration,  
issue, and ac-  
counting.  
C. N. R. 15.

(3) (a) Except as otherwise specifically authorized, all secret and confidential publications shall be assigned short titles, shall bear register numbers and shall be distributed by and accounted for direct to the Chief of Naval Operations (Registered Publications Section).

(b) Secret or confidential charts and documents issued by the Hydrographic Office will be distributed by and accounted for direct to that office.

(c) Plans, specifications, charts, blueprints, photographs, and matter of like nature, classed as secret, confidential, or restricted, for issue to contractors, inspectors, navy yards or other government activities in connection with the production or procurement of material will be distributed by and accounted for direct to the bureau or office issuing them under instructions promulgated by that bureau or office.



ANNEX Q

(d) Naval commanders afloat or ashore are authorized, when special circumstances require, to prepare and issue secret and confidential publications *for temporary use within their own commands*. Preparation and issue by naval commanders. C. N. R. 15. In each such case the issuing commander shall assign short titles and register numbers to such publications, if appropriate, and will be responsible that such copies as he may issue are accounted for. He will in every case forward two copies to the Chief of Naval Operations (Registered Publications Section). Distribution of such publications outside the command to which the issuing commander belongs will be made only through the Chief of Naval Operations (Registered Publications Section), except that in case of necessity the senior officer present may authorize issue direct to the commanders of other United States forces, and to diplomatic or consular officials of the United States. When time and other circumstances permit, the prior approval of the Chief of Naval Operations shall be obtained for issues outside the naval service.

(e) The Naval War College, the Naval Academy, and other service schools may prepare and issue secret and confidential publications as necessary for instructional purposes. Preparation and issue by service schools. C. N. R. 15. In each such case the head of the school shall assign short titles and register numbers if appropriate. Internal distribution will be made under the direction of the head of the school, who will be responsible that all copies of publications so issued are safeguarded and accounted for. In each case two copies will be forwarded to the Chief of Naval Operations (Registered Publications Section). Distribution outside of the school will be through the Chief of Naval Operations (Registered Publications Section).

(4) Secret documents shall be transmitted in the custody of officer messenger. Under extraordinary circumstances, when it is essential that secret documents, except secret registered publications, be delivered with the least possible delay, they may be transmitted by registered mail within the continental limits of the United States provided the originator certifies as a final paragraph in accompanying correspondence that such transmission by registered mail within the continental limits of the United States is necessary and is therefore authorized by him. Transmission of secret documents. C. N. R. 15, 18. Instructions for the transmittal of secret registered publications will be contained in the Registered Publication Manual. For transmission to or from points outside the continental limits of the United States, when officer messenger is not available secret matter may be transmitted by O. N. I. pouch. In the event that neither officer messenger nor O. N. I. pouch is available the responsible officer may designate as couriers for this purpose citizens of the United States who are

deemed worthy of especial trust, such as with due regard for the character of the individual in each case, masters of vessels under United States registry, officers or officials of other Government departments, civil employees of the Government who are otherwise authorized to handle secret documents and members of the naval service other than commissioned officers. Such couriers should be warned of the secret nature of the documents transmitted in their custody. In each case of transmittal by officer messenger or other courier, unless special circumstances render it inadvisable or unnecessary, the addressee shall be separately advised, if practicable by dispatch, of the fact and method of transmittal and the addressee shall cause such courier to be met by a commissioned officer or, if such is not practicable, then by special courier qualified as above who shall be given written credentials for this purpose.

Opening of secret documents.  
C. N. R. 15.

Transmission of confidential documents.  
C. N. R. 15.

(5) Secret documents shall be opened by and shall not pass out of the hands of commissioned officers except as otherwise provided in articles 75½ (4), 76 (4), and 76 (9).

(6) Confidential documents may be transmitted by any of the means outlined by paragraph (4) of this article. Within the continental limits of the United States they may be transmitted, without special authorization, by registered mail or by express. When being transmitted to or from points outside the continental limits of the United States they may be sent, without special authorization, by registered mail in vessels under United States registry, provided they do not pass through any foreign postal system or any part of the United States postal system on shore outside the continental limits of the United States. Unless being transmitted from point of origin to point of destination by one of the means prescribed in paragraph 4 of this article, confidential documents being sent from the continental United States shall be consigned, for transshipment between shore and sea, to the commandant of the naval district in which is located the United States port of departure.

Opening of confidential documents.  
C. N. R. 15.

Transmission of restricted documents.  
C. N. R. 15.

(7) Confidential documents shall be opened and handled by commissioned officers except as otherwise provided in articles 75½ (5), 76 (3 c, d, and e), 76 (6), and 76 (9).

(8) Restricted documents may be handled and transmitted with only such reasonable precautions as may be deemed necessary to carry out the spirit of article 75½ (6), except that they shall, when transmitted to or from points outside the continental United States through any foreign postal system, be placed in double wrappings or envelopes as prescribed for confidential documents, unless otherwise authorized by the person so classifying them. They will be distributed direct by the bureau or office preparing them and may be filed in the general nonconfidential files.

(9) Persons to whom secret and confidential documents are officially entrusted or charged shall at all times be held personally responsible for safeguarding them and their contents. Commanding officers shall require that the detailed instructions governing the handling of secret or confidential publications as prescribed in the current Registered Publication Manual are carried out. They shall require that secret and confidential documents be filed in a place separate and distinct from the general files. They may delegate to an officer under their command the custody of the secret and confidential files. In certain cases where officers are not available, the delegation of this authority may be made to especially reliable, trustworthy and temperate civilian employees: *Provided however*, That the official delegating such authority shall at all times be personally responsible for the safeguarding of the documents so entrusted, and provided that the delegation shall be in writing duly authenticated by the seal of the ship or station. Commanding officers shall report to the Chief of Naval Operations (Office of Naval Intelligence), in writing, what persons under their command, other than commissioned officers of the naval service, are authorized to open and handle secret documents and have access to the secret or confidential files.

Responsibility  
for secret and  
confidential doc-  
uments.  
C. N. R. 15.

(10) Persons who have received secret or confidential documents on custody receipt, thereby become personally responsible for the safeguarding thereof. Such documents shall not be taken away from the ship or station to which issued by officers who may be detached. Upon an officer's detachment or upon his severance from the naval service, all secret and confidential documents held by him shall, if practicable, be returned to the source from which they were received, otherwise they shall be turned in to the nearest issuing office. Persons leaving the service are hereby warned of the provisions of the act of Congress approved June 15, 1917 (Espionage Act). (Art. 75 (17).)

Disposition of  
secret or con-  
fidential docu-  
ments.  
C. N. R. 15.

(11) When a ship or station is placed out of commission, secret, confidential, and restricted matter shall be disposed of in accordance with article 2048.

(12) Any person having knowledge or suspicion that secret or confidential matter has been lost or compromised will immediately report the facts to his commanding officer, if there be one, in addition to making the report required by article 75½ (4) or 75½ (5). The commanding officer shall then, if practicable, make a thorough investigation of all the circumstances attendant thereto and shall forward the report of the investigation, including statements of all persons concerned, to the Secretary of the Navy, together with a definite statement giving his opinion as to the responsibility in the case.

Loss or com-  
promise.  
C. N. R. 15.

Distribution  
outside naval  
service.  
C. N. R. 15.

(13) Secret or confidential documents that, by their nature, might require distribution outside the naval service shall contain suitable instructions for their custody and safeguarding in conformity with the requirements of the current Registered Publication Manual. (Art. 2005.)

Messages.  
C. N. R. 15.

(14) Instructions for the transmitting and handling of secret, confidential, and restricted messages shall conform as closely as possible to those for other documents. The detailed instructions are prescribed in current Communication Instructions.

Material,  
equipment, and  
information.  
C. N. R. 15.

(15) Material, equipment, and information classified as secret, confidential, or restricted, in accordance with article 75½ (1) shall, so far as practicable, be safeguarded in handling and transmittal in the same manner as prescribed for documents.

C. N. R. 11.

## SECTION 2.—INSTRUCTIONS IN GENERAL

### 76½

Observance of  
the regulations  
and all orders

(1) Every officer of the Navy and Marine Corps shall make himself acquainted with, observe, obey, and, so far as his authority extends, enforce the laws and regulations for the government of the Navy and the provisions of all orders and circulars emanating from the Navy Department. In the absence of instructions officers will conform to the usages and customs of the naval service.

(2) Officers of all grades must carefully examine the regulations governing commanders in chief, flag officers not in chief command, senior officers present, and commanding officers, under which frequent reference is made to the duty of subordinate officers.

Inquiries as to  
interpretation.

(3) Any officer who may be required to take official action under any regulation of the department, or any law governing or referring thereto, who may desire instructions or explanations as to the force, meaning, or effect of such law or regulation, shall address his communication of inquiry through the proper official channels to the Secretary of the Navy.

### 77

Relations with  
foreign States.

All officers in their relations with foreign States, and with the Governments or agents thereof, shall observe and obey the law of nations.

## CHAPTER 52

## CORRESPONDENCE

Sec. 1.—Art. 2003–2049. Instructions.

Sec. 2.—Art. 2050–2053. Definitions of naval terms.

## SECTION 1.—INSTRUCTIONS

## 2003

(1) Correspondence shall be minimized as much as is compatible with the public interests, both as regards the number of letters written and their length. Unnecessary correspondence prohibited.

(2) Officers shall endeavor to use accuracy, simplicity, and conciseness in official correspondence, confining themselves to the subject at hand without omitting essential details and arranging paragraphs of letters in logical sequence. Style of writing, etc.

(3) Tables, diagrams, and sketches shall be used, if practicable, when they add to clearness. Tables, sketches, etc.

## 2004

Official correspondence between officers of the Navy and with officials of the public service should be courteous in tone. Correspondence shall be courteous.

## 2005

Correspondence embraces letters, messages, reports, and similar matter. Correspondence that must be permanently or temporarily limited in circulation shall be classified as prescribed in article 75½ and shall be marked, handled, transmitted, and filed as prescribed in article 76. Classes of correspondence. C. N. R. 11, 15.

ANNEX R

# CHANGES IN NAVY REGULATIONS AND NAVAL INSTRUCTIONS

No. 7

NAVY DEPARTMENT,  
WASHINGTON, D. C.,  
*September 15, 1916.*

The following changes in U. S. Navy Regulations and Naval Instructions, 1913, shall be made immediately upon receipt of this order.

JOSEPHUS DANIELS,  
*Secretary of the Navy.*

20140\*—16

# ANNEX R

4

- ✓ Article 183 (4). Reprinted on page 25 R.
- ✓ Articles 226, 227, 228, 229, 230, and 236. Modified and reprinted.
- ✓ Articles 241-246. Modified and reprinted on page 40 R.
- ✓ Article 331. New paragraph (5) inserted and printed on page 43 R.
- ✓ Article 1010. New paragraph (4) inserted and printed on page 100 R.
- ✓ Article 1012. New paragraph (3) inserted on page 100.
- ✓ Pages 117-118 reprinted with change in Article 1137 and Article 1141 (2) stricken out.
- ✓ Pages 125-126 reprinted.
- ✓ Article 1269 (a). Modified and reprinted on page 135 R.
- ✓ Article 1271. New paragraph (4) inserted and printed on page 136 R.
- ✓ Pages 159-160 reprinted.
- ✓ Article 1618. New paragraph (2) inserted and printed on page 163 R. New Article 1652 inserted on this page.
- ✓ New Articles 1709 to 1713 inserted.
- ✓ Articles 1801, 1802 (4), and 1817 modified and reprinted, and Articles 1836, 1837, 1841, and 1846 stricken out.
- ✓ Article 2021. Reprinted on page 175 R.
- ✓ Pages 193-194 reprinted, with changes in Articles 2501, 2502, 2503, and 2504.
- ✓ Pages 201-204 reprinted, with changes in Articles 2801, 2807, 2808, 2821, and new Article 2826 inserted.
- ✓ Article 2986. New article inserted and printed on page 212 R.
- ✓ Article 2998. New article inserted and printed on page 214 R.
- ✓ Pages 215-217 reprinted with changes in articles 3005, 3008, 3041, 3061. Article 3023 has been stricken out.
- ✓ Article 3211. New article inserted and printed on page 222 R, Article 3212 being reprinted on page 221.
- ✓ Article 3317 R modified and printed on page 228 R.
- ✓ Pages 243-246 reprinted.
- ✓ Page 249 reprinted.
- ✓ Pages 275-282 reprinted.
- ✓ Article 4172 (1) reprinted on page 291 R.
- ✓ Articles 4256-4261, inclusive. New articles inserted and printed on pages 295-296 R.
- ✓ Pages 297-298 reprinted.
- ✓ Pages 301-309, inclusive, reprinted with changes in Articles 4337 (d) and (g) and 4366.
- ✓ Pages 313-316 reprinted.
- ✓ Article 4458. Paragraphs (1) and (5) modified and reprinted on page 328 R.
- ✓ Pages 329-340, inclusive, reprinted, including modification of Article 4513 (1) and article 4473 being stricken out.
- ✓ Article 4533. Modified and reprinted on page 345 R.
- ✓ Pages 347-348 reprinted.
- ✓ Article 4645. New article inserted and printed on page 352 R.

## NAVAL INSTRUCTIONS.

- ✓ Article 55 (18). Modified and reprinted on page 15 I.
- ✓ Article 84. Reprinted on page 19 I.
- ✓ Article 509. New paragraph (25) inserted, paragraph 21 modified, and printed on page 58 I.
- ✓ Article 452. New article inserted on page 56 I.
- ✓ Article 501. Stricken out in reprint of page 57 I.
- ✓ Pages 59-60 reprinted, including change made by "C. N. I. No. 3," and change in Article 530.
- ✓ Article 542 and Article 554 reprinted on page 62, Articles 555 to 559 being stricken out.
- ✓ Pages 63-70, inclusive, reprinted.
- ✓ Article 705 (3). Modified and reprinted on page 71 I.
- ✓ Article 707 (2) reprinted on page 72 I.
- ✓ Article 713. Paragraph (6) modified by addition of subparagraph (b), and printed on page 77 I.
- ✓ Article 714. Modified and reprinted on page 78 I.
- ✓ Page 81 reprinted.
- ✓ Article 906 (1) and (3) reprinted, and Article 907 stricken out in reprint of pages 85-86.

## ANNEX R

It is suggested they avail themselves as frequently and regularly as practicable.

710. Service performed on shore in Cuba, Porto Rico, Guam, the Samoan Islands, and on the Asiatic Station will be considered as the ice-  
equivalent of duty performed on board a cruising ship, so far as computing an officer's cruise is concerned.

711. (1) All persons belonging to the Navy must strictly conform to such regulations for uniforms as may be published from time to time by the Navy Department.

(2) The clothes, arms, military outfits, and accoutrements furnished by the United States to any enlisted person in the Navy or Marine Corps, or required by such persons as a part of their prescribed uniforms or outfits, shall not be sold, bartered, exchanged, pledged, loaned, or given away, except by competent authority therefor.

712. All representatives of the Navy Department in charge of the construction of public works shall report to the department all cases in which contractors or subcontractors on works under construction require or permit laborers or mechanics in their employ to work over eight hours in any one calendar day. Whenever such reports showing work in excess of eight hours a day are received by the department they shall be referred to the Department of Justice for appropriate action.

713. (1) The instructions in regard to the care, distribution, and disposition of the confidential publications relative to gunnery exercises and engineering performances contained in this article shall be strictly followed.

(2) These publications are issued confidentially and are not to pass out of the hands of officers. Under no circumstances shall their contents be explained or divulged to persons not regularly connected with the naval service. It is desired that all features of the system of training be held as confidential, and therefore it is directed that foreigners or persons not directly connected with the naval service be given as little information as is consistent with professional etiquette.

(3) Each officer receiving copies of the publications in question will at once sign the attached blank receipts (to be found inside the fly leaves) and return them through his commanding officer to the Navy Department (Operations); will consider himself personally responsible for the safe-keeping of these publications, will keep them in his own possession, and will be prepared to turn them in at once when called upon by the department to do so. Officers will therefore not turn their publications in to commanding officers on detachment, nor will they transfer them to other officers except in special cases, when a receipt for each publication so transferred will be forwarded to the Navy Department (Operations) by the officer receiving same.

(4) Any officer receiving copies of the above-mentioned publications and not wishing to retain them permanently may at any time return them to the Navy Department (Operations), and his receipts will be destroyed or returned to him; and if subsequently he should require any of these publications they will be forwarded on request.

(5) In forwarding these publications through the mail they will in all cases be registered.

(6) (a) In the event of an officer's death, dismissal, or resignation from the service, his commanding officer will cause his copies of these publications to be returned to the Navy Department (Operations) by registered mail.

(b) When an officer submits his resignation, he will forward to the department a list enumerating all the technical papers and note books relating to the naval service which are in his possession, accompanied by a request specifying the books or papers which he desires to retain. The books or papers which he does not specify he desires to retain will be forwarded to the appropriate office or bureau of the Navy Department. Officers resigning are warned of the provisions of the national defense secrets act.



## GENERAL ORDER

## NAVY DEPARTMENT,

No. 30.

WASHINGTON, D. C., August 20, 1907.

The attention of the service is invited to the following instructions in regard to the care, distribution, and disposition of the confidential publications relative to target practice and engineering instructions.

These publications are issued confidentially and are not to pass out of the hands of officers. Under no circumstances will the contents of these publications be explained or divulged to persons not regularly connected with the naval service. It is desired that all features of the present system of training be held as confidential, and therefore it is directed that interrogators or persons not directly connected with the naval service be given as little information as is consistent with professional etiquette.

Each officer receiving copies of the publications in question will at once sign the attached blank receipts (to be found inside the fly leaves) and return them through his commanding officer to the Bureau of Navigation; will consider himself personally responsible for the safekeeping of these publications, will keep them in his own possession, and will be prepared to turn them in at once when called upon by the department to do so. Officers will therefore not turn their publications in to commanding officers on detachment, nor will they transfer same to other officers except in special cases, when a receipt for each publication so transferred will be forwarded to the Bureau of Navigation by the officer receiving same.

Any officer receiving copies of the above-mentioned publications and not wishing to retain them permanently may at any time return them to the Bureau of Navigation, and his receipts will be destroyed or returned to him; and if subsequently he should require any of these publications they will be forwarded on request.

In forwarding these publications through the mail they will in all cases be registered.

In the event of an officer's death, dismissal, or resignation from the service, his commanding officer will cause his copies of these publications to be returned to the Bureau of Navigation by registered mail.

Should an officer lose any of these publications, this fact will immediately be reported to the Bureau of Navigation.

As it is important that the contents of these publications be held as confidential, officers are informed that in case the loss of same can not be satisfactorily explained the department will take such action in the matter as the circumstances seem to warrant.

Upon the receipt of a supply of these publications commanding officers will distribute them to the officers under their command and will promptly forward the receipts of these officers to the Bureau

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of Navigation. In case it be desired to retain copies of these publications for leave to officers who may be on leave, etc., the fact will be reported to the Bureau of Navigation, stating the title and register numbers of the publications which are retained and the names of the officers for whom they are intended.

The utmost importance of maintaining the contents of these publications as confidential should of itself be sufficient to incite the cooperation of every officer in attaining this end.

BEEKMAN WINTHROP,

Acting Secretary of the Navy.

## ANNEX T

GENERAL ORDER }  
No. 370. }

NAVY DEPARTMENT,  
Washington, D. C., February 20, 1918. 370

### CORRESPONDENCE AND INFORMATION.

1. There are three classes of correspondence and information.

- (1) Secret.
- (2) Confidential.
- (3) Nonconfidential.

2. "Secret" matter is correspondence or information which should be known only to the person addressed, or to other person: to whom he is specifically authorized to communicate it. In war time, specifically, that which relates to present or future defensive or offensive operations against an enemy. This includes all current instructions to and reports from operating forces, codes and ciphers, movement orders to vessels, all correspondence which has to do with active operations against the enemy, and any current information which, if known, would assist the enemy to determine in advance the nature of offensive measures or weapons which the United States or her allies were planning to use against him.

3. "Confidential" matter is correspondence or information which would prove of value to an enemy (or in time of peace to a foreign government), but which does not relate to measures or weapons which the United States is preparing to use against him, and is not vital to the secrecy of present or future policy.

4. "Nonconfidential" matter is correspondence or information which relates to methods of procedure regularly followed and to other subjects, a full knowledge of which could, by no possibility, be of use to the enemy.

5. "Secret" matter must be opened, transmitted, and handled by an officer, and shall be at all times actually or potentially in the possession of commissioned officers only.

6. "Confidential" matter shall be subject to the same regulations as "secret" with the provision that officers may delegate their personal responsibility to others whom they believe, by reason of adequate personal investigation, to be in every respect reliable, temperate, close-mouthed, and dependable. The circulation and the handling of "confidential" matter will be in accordance with existing regulations.

7. All "secret" and all "confidential" correspondence will be stamped as such on the first or cover sheet. It is not sufficient to type the word "secret" or "confidential," as this does not indicate conspicuously the character of the correspondence.

8. The distinction between "secret" and "confidential" is a fine one, and as information may unexpectedly come to have a bearing which should be secret, extreme care and constant thought should be applied to maintain secrecy as extensively and thoroughly as is humanly possible. The importance and vital necessity of keeping the enemy in ignorance of plans and operations is too generally blindly and thoughtlessly disregarded.

9. This order becomes effective immediately.

JOSEPHUS DANIELS,  
Secretary of the Navy.

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C

ANNEX U

# United States Navy Regulations

✓ Navy Dept.

1920



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1920

ANNEX U

108.

Boat service  
not detached  
duty.

Officers in boats engaged in the ordinary duty of the ship and not absent on an expedition or separated from the ship shall not regard themselves as on detached duty or assume the authority of such duty.

109.

Senior line officer  
in boat.

Nothing in article 108 shall be construed as relieving the senior line officer in a boat from the responsibility for its safety and management under all circumstances.

110.

Inspection of  
accounts.

Commanding and other officers shall afford facilities for inspecting the accounts of officers of the Supply Corps.

111.

Sea service.

No service shall be regarded as sea service except such as shall be performed at sea under the orders of the department and in vessels employed by authority of law. (Sec. 1571, R. S.)

112.

Appointment to  
diplomatic or  
consular service.

If any officer of the Navy accepts or holds an appointment in the diplomatic or consular service of the Government, he will be considered as having resigned his place in the Navy, and it shall be filled as a vacancy. (Sec. 1440, R. S.)

113.

Information  
that might aid  
a foreign power  
forbidden.

(1) No person belonging to the Navy or employed under the Navy Department shall convey or disclose by oral or written communications, publications, or any other means, except as may be required by his official duties, any information whatever concerning the Naval or Military Establishment or forces, or any person, thing, plan, or measure pertaining thereto, when such information might be of possible assistance to a foreign power in time of peace or to an enemy in time of war.

Publication of  
information re-  
garding foreign  
policy, acts of  
government, etc.

(2) No person belonging to the Navy or employed under the Navy Department shall publish or cause or permit to be published, directly or indirectly, or communicate by interviews, private letters, or otherwise, except as required by his official duties, any information in regard to the foreign policy of the United States, or concerning the acts or measures of any department of the Government or of any officer acting thereunder, or any comments or criticisms thereon; or the text of any official instructions, reports, or letters upon any subject whatever, or furnish copies thereof to any person, without the express permission of the Navy Department.

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(8) Officers and other persons in the naval service desiring to publish articles on professional subjects, except translations from foreign publications or articles of a purely historical nature, shall submit the manuscript of such articles to the Office of Navy Intelligence for scrutiny before publication. The Department invites and urges officers to send in well-considered ideas and suggestions relative to improvement of naval efficiency.

Articles  
professions  
sects.

## 114.

No person belonging to the Navy or employed under the Navy Department shall act as a correspondent of a newspaper or other periodical without the express permission of the department. Every person authorized by the department to act as a correspondent on board any vessel or at any place under the jurisdiction of the Navy Department shall, before forwarding an article or news item for publication, submit it to the commanding officer for scrutiny, and the commanding officer shall suppress it, wholly or in part, if in his opinion the public interests so require.

Action  
newspaper  
respondent.

## 115.

(1) For officers of the naval service authorized to administer oaths, see section 184, Naval Courts and Boards.

Oaths.

(2) When practicable, officers and men of the Navy and Marine Corps who may be required to subscribe under oath to any papers relating to naval administration and the administration of naval justice, will do so in the presence of an officer of the service authorized to administer oaths.

Oaths on  
naval  
documents  
to be ad-  
ministered by an

(3) Notaries public shall not be employed in any matters of naval administration where officers of the Navy or Marine Corps, authorized by law to administer oaths for the purpose of the administration of naval justice and for other purposes of naval administration, are present and accessible.

(4) No officer, clerk, or employee in the executive service of the Government, who is also a notary public, shall charge or receive any compensation whatever for performing any notarial act for an officer, clerk, or employee of the Government in his official capacity, or in any matter in which the Government is interested, or for any person when, in the case of such person, the act is performed during the hours of such notary's service to the Government. This regulation shall not apply to oaths of disinterestedness, or other oaths required to be made by law, provided that the work in connection therewith is not performed during office hours.

## 116.

Officers commanding fleets, squadrons, divisions, or ships shall not permit women to reside on board of, or take passage in, any

Women  
board ship.

ANNEX U

ship of the Navy in commission except by special permission of the Secretary of the Navy.

117.

Foreign religious institutions. The religious institutions and customs of foreign countries visited by ships of the Navy must be respected.

118.

Alcoholic liquors. (1) No person in the naval service shall take or keep any alcoholic liquors or any intoxicating or narcotic substances on board ships of the Navy or within the limits of naval stations, marine barracks, or any other place under the exclusive jurisdiction of the Navy Department except as authorized for medical purposes, nor shall any such liquors, intoxicants, or substances be sold or given to said persons or issued to them except for medical purposes, within such places.

(2) The use or introduction for drinking purposes of alcoholic liquors on board any naval vessel, or within any navy yard or station, is strictly prohibited, and commanding officers will be held directly responsible for the enforcement of this order.

119.

Concealed weapons. It is prohibited for any member of the naval service to have concealed about his person any deadly or dangerous weapon or highly explosive substance, or have any such weapon or explosive in his possession or custody within the limits of any place under naval jurisdiction, except as may be necessary to the proper performance of his duty or as may be authorized by proper authority. The foregoing shall not be construed so as to prevent any person authorized to have such weapon in his possession from carrying concealed any such weapon from place of purchase to his quarters or from his quarters to a repair shop to have the same repaired and back again.

It is prohibited for any member of the naval service to have concealed about his person any deadly or dangerous weapon or highly explosive substance, or have any such weapon or explosive in his possession or custody within the limits of any place under naval jurisdiction, except as may be necessary to the proper performance of his duty or as may be authorized by proper authority. The foregoing shall not be construed so as to prevent any person authorized to have such weapon in his possession from carrying concealed any such weapon from place of purchase to his quarters or from his quarters to a repair shop to have the same repaired and back again.

120.

Arrest of drunken men. No greater force shall be used in the arrest of a drunken man than that required to restrain or confine the offender.

121.

Duty Hospital Corps restricted. Members of the Hospital Corps shall not perform any military duties other than those pertaining to the medical department.

122.

Conformance to uniform regulations. (1) All persons belonging to the Navy must strictly conform to such regulations for uniforms as may be published from time to time by the Navy Department.

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(2) The clothes, arms, military outfit, and accouterments furnished by the United States to any enlisted person in the Navy or Marine Corps, or required by such persons as a part of their prescribed uniforms or outfits, shall not be sold, bartered, exchanged, pledged, loaned, or given away, except by competent authority therefor. Clothes, as sold, etc.

## 123.

(1) Commanding officers of ships and stations shall be responsible for all secret and confidential publications issued that ship or station. When an officer is ordered detached from a ship or station, the commanding officer shall require the officer being detached to turn in to him all secret and confidential publications in his possession (except such publications as he may have received from the bureau or office of issue direct for his personal use), thereby retaining on board the full allowance of such publications. Officers will be held personally responsible for the care and safe-keeping of such publications as are issued to them. Upon detachment from a ship or station officers shall return all secret and confidential publications to the commanding officer. Officers requiring secret or confidential publications for their personal use, which can not be obtained from commanding officer, should make application to the bureau or office of the Navy Department having cognizance of the particular publication. Confidential publications.

(2) All secret or confidential books, pamphlets, instructions, blue prints, charts, etc., issued by any bureau or office of the Navy Department for which receipts, returns, or reports of destruction are required, will bear on the cover, title page, or other prominent place a legend showing—

(a) The classification of the publication (whether secret or confidential).

(b) If possible, the length of time the publication is to be considered "secret" or "confidential."

(c) The final disposition at the end of this stated period.

(d) What reports or returns are required.

(e) The office or bureau having cognizance of the publication and to whom the reports or returns required by (d) are to be forwarded.

(3) The instructions in regard to the care, distribution, and disposition of secret and confidential publications contained in this article shall be strictly followed.

(4) (a) Secret and confidential publications are issued by the various bureaus or offices concerned, to commanding officers of ships or stations and in special cases only to individual officers. The commanding officer shall—



ANNEX U

(a) Make direct to the bureau or office concerned all reports and returns required by legends in the various publications.

(b) Retain publications as necessary to officers under his command, retaining the officer's receipts on board. Publications issued on ship or station will be retained on board such ship or at the station to which issued and will not be taken away by officers who may be detached.

(5) *Secret* publications are not to pass out of the hands of officers. Under no circumstances shall the contents of *secret* publications be explained or divulged to persons not regularly connected with the naval service. Proper means shall be taken for safeguarding secret publications. *Confidential* publications, as a general rule, shall be in the custody of officers, but when the performance of duty requires, or the interests of the Government may be better served, they may be explained or divulged to enlisted personnel and to persons not regularly connected with the naval service. The contents of confidential publications shall not be explained or divulged to persons not directly connected with the naval service, except as noted above.

(6) Secret and confidential publications, except code and signal publications, no longer required may be returned to the bureau or office concerned by registered mail. Code and signal publications shall be turned in at the nearest issuing office or district communication superintendent.

(7) (a) In the event of an officer's death, dismissal, or resignation from the service, his commanding officer will cause his personal copies of secret and confidential publications to be returned.

(b) "When an officer's resignation is accepted, or when he severs connection with the service, he will turn in to his commanding officer, or if there be no commanding officer there, to the department, all secret and all confidential publications and all technical books and papers not private property which he may have in his possession and report that fact in writing to his commanding officer (or to the department, Bureau of Navigation). Officers leaving the service are warned of the provisions of the national defense secrets acts."

(8) Should a secret or confidential publication be lost or otherwise compromised, the fact shall be reported to the bureau or office concerned immediately.

(9) The importance of maintaining the contents of publications "secret" or "confidential" as indicated on the publication can not be too strongly emphasized. Officers are informed that in case the loss of same can not be satisfactorily explained the department will take such action in the matter as the circumstances seem to warrant.

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## 124.

(1) Permission to make, for other than official use, photographs, <sup>Authority photograph</sup> photographic plates or films, or moving-picture films of naval <sup>val subjects</sup> vessels or parts thereof; of navy yards and stations, or of any establishments under the jurisdiction of the Navy; or of any device belonging to the Navy or intended for use thereof, shall be granted only by the Navy Department (Office of Naval Intelligence), under such detailed instructions as may be issued by general order.

(2) No person, not in the naval service, shall be allowed to take on board any naval vessel, nor into any navy yard, station, or establishment under the jurisdiction of the Navy, any photographic apparatus, without displaying written permission from proper authority.

(3) All photographs taken on board ship, or in naval establishments ashore by persons belonging to the Navy shall be submitted for censorship to the commanding officer or the commandant, as the case may be, or to a responsible officer designated by him, and if condemned shall be destroyed, together with the films from which printed.

## 125.

The duties of the United States Board on Geographic Names <sup>Board on Geographic Names</sup> include that of determining, changing, and fixing place names within the United States and its insular possessions, and all names hereafter suggested for any place by any officer or employee of the Government shall be referred to said board for its consideration and approval before publication. In these matters, as in all cases of disputed nomenclature, the decisions of the board are to be accepted by the departments of Government as the standard authority.

## 126.

In the event of any person of the naval service, either on board ship or at a naval station, becoming mentally or physically <sup>Care of effect of disabled persons</sup> incapacitated under such circumstances as to render it impracticable for him to care for his personal effects, the commanding officer shall cause such effects to be collected and inventoried by an officer and held in appropriate safe-keeping until the recovery or transfer of the owner. The inventory shall be prepared in duplicate and duly certified by the officer making it. Should the patient be transferred, a copy of the inventory with a statement of the disposition of his effects shall accompany his transfer papers.

ANNEX U

## CHAPTER 52.

### CORRESPONDENCE.

Sec. 1.—Art. 2003-2049. Instructions.

Sec. 2.—Art. 2050-2053. Definitions of naval terms.

#### SECTION 1.—INSTRUCTIONS.

2003.

(1) Correspondence shall be minimized as much as is compatible with the public interests, both as regards the number of letters written and their length. Unnecessary correspondence prohibited.

(2) Officers shall endeavor to use accuracy, simplicity, and conciseness in official correspondence, confining themselves to the subject at hand without omitting essential details and arranging paragraphs of letters in logical sequence. Style of writing, etc.

(3) Tables, diagrams, and sketches shall be used, if practicable, when they add to clearness. Tables, sketches, etc.

2004.

Official correspondence between officers of the Navy and with officials of the public service should be courteous in tone. Correspondence shall be courteous.

2005.

(1) There are three classes of correspondence and information:

- (1) Secret.
- (2) Confidential.
- (3) Nonconfidential.

(2) "Secret" matter is correspondence or information which should be known only to the person addressed or to other persons to whom he is specifically authorized to communicate it. In war time specifically that which relates to present or future defensive or offensive operations against an enemy. This includes all current instructions to and reports from operating forces, codes and ciphers, movement orders to vessels, all cor-

(685)

correspondence which has to do with active operations against the enemy; and any current information which, if known, would assist the enemy to determine in advance the nature of offensive measures or weapons which the United States or her allies were planning to use against him.

(3) "Confidential" matter is correspondence or information which would prove of value to an enemy (or in time of peace to a foreign Government), but which does not relate to measures or weapons which the United States is preparing to use against him and is not vital to the secrecy of present or future policy.

(4) "Nonconfidential" matter is correspondence or information which relates to methods of procedure regularly followed and to other subjects a full knowledge of which could by no possibility be of use to the enemy.

(5) "Secret" matter must be opened, transmitted, and handled by an officer and shall be at all times actually or potentially in the possession of commissioned officers only; except that especially reliable, temperate, and discreet persons may be specifically entrusted by proper naval authority with the opening and handling of such matter, provided, however, that the official delegating such authority shall at all times be personally responsible for the safeguarding of "secret" matter so entrusted. It is ordered that the name, rating if any, nature and place of employment of each person authorized to open and handle "secret" matter be immediately forwarded in writing to the Director of Naval Intelligence by the official giving such authorization, and it is further ordered that the Director of Naval Intelligence be immediately notified in writing by the proper naval authority when such authorization has been revoked.

(6) "Confidential" matter shall be subject to the same regulations as "secret," with the provision that officers may delegate their personal responsibility to others whom they believe, by reasons of adequate personal investigation, to be in every respect reliable, temperate, close-mouthed, and dependable. The circulation and the handling of "confidential" matter will be in accordance with existing regulations.

(7) All "secret" and all "confidential" correspondence will be stamped as such on the first or cover sheet. It is not sufficient to type the word "secret" or "confidential," as this does not indicate conspicuously the character of the correspondence.

(8) The distinction between "secret" and "confidential" is a fine one, and as information may unexpectedly come to have a bearing which should be secret, extreme care and constant thought should be applied to maintain secrecy as extensively and thoroughly as is humanly possible. The importance and vital necessity of keeping the enemy in ignorance of plans and operations is too generally blindly and thoughtlessly disregarded.

ANNEX V

ANNEX V

# United States Navy Regulations

1920

Reprinted, 1932, with all changes  
up to and including No: 14



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or office from which received, and all such publications shall be distributed promptly upon receipt. Commanding officers, afloat and ashore, shall promptly notify the office or bureau responsible for furnishing them with publications, in accordance with paragraph (11) of this article, of any change in the number of such publications required for distribution. C. N. R. 3.

(13) Drill books shall be distributed by the Bureau of Navigation, and the records thereof shall be kept in that bureau, except the "Drill Book for the Hospital Corps," for which the Bureau of Medicine and Surgery shall perform the above-mentioned duties. All receipts for and reports in regard to such publications shall be addressed and forwarded accordingly. C. N. R. 11.

(14) Naval courts and boards, and orders for all changes therein, shall be distributed by the Bureau of Navigation, and the records thereof shall be kept in that bureau.

(15) The manuals or circulars of instructions authorized by article 74, and orders for all changes therein, shall be distributed by the bureau or office concerned, and the records thereof shall be kept in such bureau or office.

(16) The information circulars authorized, and instructions for all changes therein, shall be distributed by the bureau or office concerned, and the records thereof shall be kept in such bureau or office.

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(1) All naval publications, instructions, orders, reports, dispatches, and information, communicated in any manner, may be classed as— C. N. R. 11. Classes of correspondence.

(a) *Secret*.—Matter that relates to national policy or plans, or offensive or defensive measures against an actual or potential enemy, the disclosures of which would be highly inimical to the national interest;

(b) *Confidential*.—Matter of a less vital degree of secrecy than "secret," the disclosure of which would be prejudicial to the interests of the Government;

(c) *Service*.—Matter of concern to the Naval Establishment and which is not desired to be available to the general public;

(d) *Nonconfidential*.—All matter not included in the above three classes.

(2) The inviolability of all secret and confidential matter shall be subject to constant thought and care. (See arts. 76 and 113.) Officers originating such matter shall be responsible for its proper classification.

(3) Since the distinction between the several classes may frequently be a fine one, officers originating publications and correspondence must exercise thoughtful discretion in classifying such

C. N. R. 11. publications or correspondence, giving due consideration to the instructions contained in articles 76 and 2005 prescribing the circulation allowed to the various classes.

## 76

**Classes of publications.** (1) Naval publications include all books, codes, pamphlets, booklets, ciphers, etc., issued under competent authority, and shall be classed as "secret," "confidential," "service," or "nonconfidential." Secret, confidential, and service publications shall be conspicuously marked to identify them as such.

**Distribution of.** (2) Except as authorized in paragraph (10), all secret and confidential publications shall bear register numbers, and will be distributed by the Chief of Naval Operations (registered publication section). When circumstances require, commanders in chief or commanding officer of a combat unit or expeditionary forces in the field are authorized to prepare and issue for temporary use within their own commands secret or confidential publications bearing register numbers. The accountability of such publications will be direct to the officer issuing them.

**Secret—how handled.** (3) Secret publications shall not pass out of the hands of commissioned officers, nor shall the contents be explained or divulged to persons not regularly connected with the naval or military service of the United States. Secret publications shall not be transmitted through the mails, but shall be forwarded by commissioned officer messenger.

**Confidential—how handled.** (4) Confidential publications shall remain in the custody of officers, and their contents shall not be explained or divulged to other persons, except:

(a) When the performance of duty requires matter contained in confidential publications may be divulged to reliable enlisted personnel, or to other responsible persons performing authorized services for the Naval Establishment.

(b) Certain confidential publications require distribution to other departments of the Government and the United States merchant marine; suitable instructions for the custody and safeguarding of these publications shall be contained therein.

(c) At the discretion of chiefs of bureaus, confidential publications pertaining to matters under their cognizance may be intrusted on temporary custody receipt to responsible persons engaged in authorized services for the bureau.

Confidential publications may be transmitted by registered mail unless the subject matter is of such confidential nature that it is considered inadvisable to intrust it to the mails, in which case the instructions in the publications themselves will prescribe the method.

(5) Commanding officers of ships and stations shall be responsible for all secret and confidential publications issued the ship or



station; they will exercise such control over these publications as is prescribed by the Chief of Naval Operations in the current issue of Registered Publication Section Distribution and Allowances. Publications issued a ship or station will be retained on board the ship or at the station to which issued and will not be taken away by officers who may be detached.

(6) Officers to whom secret and confidential publications have been issued on custody receipt shall be held personally responsible to the commanding officer for the care and safekeeping of such publications. Upon detachment from a ship or station, officers shall return all secret and confidential publications to the commanding officer.

Disposition of  
publications by  
officers leaving  
the service.  
C. N. R. 11.

(7) (a) In the event of an officer's death, dismissal, or resignation from the service, his commanding officer will cause all secret and confidential publications in the officer's possession to be returned to the custody of the commanding officer.

(b) When an officer's resignation is accepted, or when he severs connection with the service, he shall turn in to his commanding officer, or, if there be no commanding officer, to the department, all secret and confidential publications and all technical books and papers not private property which he may have in his possession and report that fact in writing to his commanding officer (or to the department, Bureau of Navigation), except that secret publications shall not be sent by mail unless special authority is obtained from the department. Officers leaving the service are warned of the provisions of the act of June 15, 1917 (espionage act).

(8) The importance of maintaining the contents of publications "secret" or "confidential" as indicated on the publication can not be too strongly emphasized. Should a secret or confidential publication be lost or otherwise compromised, the fact shall be reported to the Chief of Naval Operations (registered publication section) immediately. The commanding officer of the ship or station to whom the lost publication is charged shall conduct a thorough investigation for the purpose of determining all the circumstances surrounding its loss and any unusual extenuating or incriminating circumstances. Statements shall be obtained from all persons who are in any way responsible for or connected with the loss of the publication. The commanding officer shall, before forwarding the report of the investigation to the department, add to the report a definite statement giving his opinion as to responsibility in the case, in order that the department may have available all facts and information upon which to base a decision as to disciplinary action.

If lost,  
C. N. R. 11.

(9) "Service" publications shall be identified by the legend "Service—For official use only." Service publications will be distributed direct by the bureau or office preparing them, and shall

remain within the jurisdiction of the naval service, except that when circumstances require service publications may be issued to responsible persons in other departments of the Government or to persons who are performing authorized services for the Naval Establishment. Service publications may be transmitted by ordinary mail.

(10) Confidential charts, blue prints (which are not a part of a publication), and plans and specifications prepared by a bureau for issue to contractors, inspectors, or navy yards engaged in production of the material will be distributed and accounted for direct to the bureau or office preparing them, and will be subject to the same restrictions in distribution and custody as prescribed in paragraph (4) for confidential publications. The issue and accountability of confidential textbooks prepared for the use of midshipmen and instructors at the United States Naval Academy will be under the direct cognizance of the superintendent.

C. N. R. 11.

## SECTION 2.—INSTRUCTIONS IN GENERAL

76

Observance of  
the regulations  
and all orders.

(1) Every officer of the Navy and Marine Corps shall make himself acquainted with, observe, obey, and, so far as his authority extends, enforce the laws and regulations for the government of the Navy and the provisions of all orders and circulars emanating from the Navy Department. In the absence of instructions officers will conform to the usages and customs of the naval service.

(2) Officers of all grades must carefully examine the regulations governing commanders in chief, flag officers not in chief command, senior officers present, and commanding officers, under which frequent reference is made to the duty of subordinate officers.

Inquiries as to  
interpretation.

(3) Any officer who may be required to take official action under any regulation of the department, or any law governing or referring thereto, who may desire instructions or explanations as to the force, meaning, or effect of such law or regulation, shall address his communication of inquiry through the proper official channels to the Secretary of the Navy.

77

Relations with  
foreign States.

All officers in their relations with foreign States, and with the Governments or agents thereof, shall observe and obey the law of nations.

## CHAPTER 52

### CORRESPONDENCE

Sec. 1.—Art. 2003-2049. Instructions.

Sec. 2.—Art. 2050-2053. Definitions of naval terms.

#### SECTION 1.—INSTRUCTIONS

##### 2003

(1) Correspondence shall be minimized as much as is compatible with the public interests, both as regards the number of letters written and their length. Unnecessary correspondence prohibited.

(2) Officers shall endeavor to use accuracy, simplicity, and conciseness in official correspondence, confining themselves to the subject at hand without omitting essential details and arranging paragraphs of letters in logical sequence. Style of writing, etc.

(3) Tables, diagrams, and sketches shall be used, if practicable, when they add to clearness. Tables, sketches, etc.

##### 2004

Official correspondence between officers of the Navy and with officials of the public service should be courteous in tone. Correspondence shall be courteous.

##### 2005

(1) Correspondence embraces letters, reports, and similar matter, and shall be classified as prescribed in article 75½.

(2) Except as prescribed below, "secret" correspondence must be opened, transmitted, handled, and be at all times in the actual custody of commissioned officers. Where the exigencies of proper conduct of Government business demand it, especially reliable, temperate, and discreet persons may be specifically intrusted by proper naval authority with the opening and handling of secret correspondence. Provided, however, that the official delegating

Classes of correspondence.  
C. N. II. II.

C. N. R. 11

such authority shall at all times be personally responsible for the safeguarding of "secret" matter so intrusted, and provided that this delegation shall be in writing, duly authenticated by the seal of the ship or station.

(3) Secret correspondence shall, where practicable, be transmitted by commissioned officer messenger. Where the exigencies of the service demand, it may be transmitted by registered mail within the continental limits of the United States, by registered mail to and from possessions of the United States *via vessels under United States registry*, and by O. N. I. pouch to and from attachés.

(4) Except as authorized herein, confidential correspondence will be opened, handled, and remain in the custody of officers. Where the interests of the service demand it, officers may designate certain specific persons whom they believe by reason of adequate personal investigation to be in every way responsible and discreet for the opening and handling of confidential correspondence on board ship or at shore stations. Confidential correspondence shall be transmitted by registered mail.

(5) All secret and confidential correspondence will be conspicuously stamped as such on the first or cover sheet. In all cases in which "secret" and "confidential" correspondence is forwarded, it shall be placed in an inner envelope, plainly marked "Secret" or "Confidential," respectively. This envelope shall be inclosed in another envelope bearing the address only, and under no circumstances shall the outer envelope be marked "Secret" or "Confidential."

(6) The classification of matter transmitted as messages shall follow the same general rules as prescribed for correspondence; detailed instructions for the transmission and handling of secret and confidential messages are prescribed in "Communication instructions."

(7) Service correspondence shall be stamped "Service—For restricted use only," and when sent through the mails shall be inclosed in double envelope, the inner one marked "Service." It may be transmitted by first-class mail. It shall be opened by officers or by such other persons as are authorized in paragraph (4) above to handle "confidential" correspondence. Service correspondence may be filed in the general nonconfidential files.

ANNEX W

ANNEX W

BULLETIN  
No. 1

[NOTE.—Bulletin No. 11 is the last of the series for 1937]

Brig. Comdr. 7/11  
Exec. Off. (Bull. O) 7/11  
Adjutant 7/11  
Pl. & Tr. O. 7/11  
WAR DEPARTMENT, 7/11  
WASHINGTON, March 2, 1938  
Ch. Clerk 7/11

Act of Congress—Making photographs, sketches, or maps of vital military and naval defensive installations and equipment prohibited. 7/11  
Executive order—Payment of losses sustained by officers, etc., in foreign countries due to appreciation of foreign currencies. 7/11  
Status of Manual for Submarine Mining, 1912. 7/11  
Honor high schools for the academic year 1937. 7/11

I. Act of Congress—Making photographs, sketches, or maps of vital military and naval defensive installations and equipment prohibited.—The following act of Congress (Public, No. 418—75th Cong.) is published for the information and guidance of all concerned:

To prohibit the making of photographs, sketches, or maps of vital military and naval defensive installations and equipment, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, whenever, in the interests of national defense, the President shall define certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such vital military and naval installations or equipment without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, and promptly submitting the product obtained to such commanding officer or higher authority for censorship or such other action as he may deem necessary. Any person found guilty of a violation of this section shall upon conviction be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 2. Any person who uses or permits or procures the use of an aircraft for the purpose of making a photograph, sketch, picture, drawing, map, or graphical representation of vital military or naval installations or equipment, in violation of the preceding section, shall be liable to the penalty therein provided.

SEC. 3. On and after thirty days from the date upon which the President defines any vital military or naval installation or equipment as being within the category contemplated under the first section of this Act, it shall be unlawful for any person to reproduce, publish, sell, or give away any photograph, sketch, picture, drawing, map, or graphical representation of the vital military or naval installations or equivalent so defined, without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, unless such photograph, sketch, picture, drawing, map, or graphical representation has clearly indicated thereon that it has been censored by the proper military or naval authority. Any person found guilty of a violation of this section shall upon conviction be punished as provided in the first section of this Act.

SEC. 4. The term "aircraft" as used in this Act means any contrivance known or hereafter invented, used, or designed for navigation or flight in the air. The expression "post, camp, or station" as used in this Act shall be interpreted to include naval vessels, military and naval aircraft, and any separate military or naval command.

SEC. 5. The provisions of this Act shall extend to all Territories, possessions, and places subject to the jurisdiction of the United States, whether contiguous thereto, or not and offenses under this Act when committed upon or over the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States and outside the territorial limits thereof shall be punishable hereunder.

Approved, January 12, 1938.

II. Executive order—Payment of losses sustained by officers, etc., in foreign countries due to appreciation of foreign currencies.—In connection with Section IV, Bulletin No. 1, War Department, 1935, and Section III, Bulletin

tin No. 6, War Department, 1936, the following Executive order (No. 7766) is published for the information and guidance of all concerned:

#### EXECUTIVE ORDER

##### AMENDMENT OF EXECUTIVE ORDER No. 6928 OF DECEMBER 24, 1934, AS AMENDED

By virtue of and pursuant to the authority vested in me by the act of March 26, 1934, ch. 87, 48 Stat. 460, as amended by the act of August 14, 1937, Public No. 287—75th Congress, paragraphs (d) and (e) of section 3 of Executive Order No. 6928 of December 24, 1934, as amended by Executive Order No. 7312 of March 9, 1936, prescribing regulations for payment of losses sustained by officers, enlisted men, and employees of the United States in foreign countries on account of appreciation of foreign currencies in their relation to the American dollar, are hereby amended to read as follows:

"(d) In case of a foreign country in which the loss cannot be calculated on the basis of conversion into the currency of that country but, in consequence of local law or regulation, is required to be calculated on the basis of the appreciation in relation to the dollar of a noncirculating monetary unit in which prices of commodities and services are quoted but not payable—the dollar itself being used in payment therefor—the loss is authorized to be computed on that basis. In case the currency in circulation in a particular province or distinct portion of a foreign country is different from the currency in circulation elsewhere in that country, for which a basic rate is herein prescribed, the exchange losses for such portion of the country may nevertheless be computed upon the basic rate prescribed for the country as a whole.

"(e) In case of employees employed in or on assignment or detail to posts in countries having local laws and regulations preventing or limiting, subsequent to April 1, 1934, conversion of local currency into foreign exchange, their net salary and net allowances while they are at their post of duty in such country may be converted in a country other than that in which they are stationed and the losses so sustained since April 1, 1934, or hereafter sustained thereon, shall be reimbursed, but in no case in an amount greater than would have been reimbursable had the net salary and net allowances been converted at the post of duty: *Provided*, that if in any country having such laws and regulations, the rate at which foreign currencies may be exchanged into the local currency is fixed on the basis of the currency of a third country, the appreciation loss on net salary and net allowances, regardless of conversion, may be reimbursed in an amount that would have been reimbursable had net salary and net allowances been converted in the third country the currency of which is used as the basis for the rate at which foreign currencies may be exchanged into the currency of the country in which stationed."

The foregoing amendment of section 3 (d) shall be effective as of July 1, 1933, and the amendment of section 3 (c) shall be effective as of February 1, 1936.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
December 10, 1937.

III. Status of Manual for Submarine Mining, 1912.—Section I, Bulletin No. 1, War Department, 1929, relating to the foregoing subject, is rescinded.

[A. G. 062.11 (12-10-37).]

IV. Honor high schools for the academic year 1937.—The following high schools maintaining junior units of the Reserve Officers' Training Corps which have attained high standards of military training and discipline are announced as the "honor high schools" for the academic year 1937:

Academy of Richmond County, Augusta, Ga.

A. D. Johnston High School, Bessemer, Mich.

Arsenal Technical High School of the Indianapolis high schools, Indianapolis, Ind.

Athens High School, Athens, Ga.

Bangor High School, Bangor, Maine.

Benton High School of the St. Joseph high schools, St. Joseph, Mo.

C

ANNEX X



ANNEX X

BULLETIN  
No. 3

CIRCULATION  
Brig. Comdr. W.R.  
Exec. Off.         
Adjutant [BULL 3]  
Pl. & Tr. O.         
WAR DEPARTMENT,  
WASHINGTON, April 17, 1940.  
Ch. Clerk        Section       

Act of Congress—Aircraft procurement for national defense facilitated.  
Executive order—Certain vital military and naval installations and equipment defined.        II

**I. Act of Congress—Aircraft procurement for national defense facilitated.—**  
The following act of Congress (Public, No. 426—76th Cong.) is published for the information and guidance of all concerned:

**An Act To facilitate the procurement of aircraft for the national defense.**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, until June 30, 1941, whenever contracts are to be awarded as a result of competitive bids for furnishing the War Department or the Navy Department with aircraft, aircraft parts, and accessories therefor, the Secretary of War or the Secretary of the Navy is authorized to award a contract for the aircraft, aircraft parts, and accessories to be purchased as a result of any such competition to the bidder that the said Secretary shall find to be the lowest responsible bidder that can satisfactorily perform the work or service required to the best advantage of the Government, or, in his discretion and when such action is considered necessary by the said Secretary in the interest of the national defense, to award contracts for such aircraft, aircraft parts, and accessories to such bidders, not exceeding three in number, as said Secretary shall find to be the lowest responsible bidders that can satisfactorily perform the work or the service required to the best advantage of the Government. The determinations as to such multiple awards and the necessity for making the same shall be based upon quality, times and rate of delivery, price and the prevention of the overloading of a plant or plants and such division of awards shall be made only when found by the said Secretary to be in the interest of the national defense: *Provided*, That no awards shall be made at prices in excess of those offered by the bidders in any such competition and that the decision of the Secretary of the Department concerned as to the award of any such contract, or contracts, the interpretation of the provisions thereof, and the application and administration of the same shall not be reviewable, otherwise than as may be therein provided for, by any officer or tribunal of the United States except the President and the Federal courts: *Provided further*, That a report shall be made to the Congress by the Secretary of the Department concerned in the case of any competition as a result of which quantity contracts are entered into under authority of this Act with more than one bidder, immediately upon the execution of such contracts, setting forth the articles purchased, the prices paid therefor, the name or names of each bidder, and of each contractor receiving a contract, and the particular reasons for awarding each of such contracts: *Provided further*, That any contract entered into under the authority hereby granted, for the construction of any complete aircraft or any portion thereof, shall be subject to the applicable profit-limitation provisions of the Act of March 27, 1934 (48 Stat. 505), as amended by the Act of June 25, 1936 (49 Stat. 1926), and as further amended by the Act of April 3, 1939 (Public, Numbered 18, Seventy-sixth Congress): *Provided further*, That procurement of aircraft, aircraft parts, and accessories therefor shall be made under authority of this Act only when in the opinion of the Secretary of the Department concerned such action is necessary in the public interest: *Provided further*, That the authority herein granted shall not be construed to abrogate, repeal, or suspend any of the provisions of Revised Statutes (3709, U. S. C. 41:5), the Act of March 2, 1901 (31 Stat. 905), the Act of July 2, 1926 (44 Stat. 787), section 14 of the Act of April 3, 1939 (Public, Numbered 18, Seventy-sixth Congress), or of the Act of July 13, 1939 (Public, Numbered 168, Seventy-sixth Congress), or to prohibit the award of any contracts in any manner now authorized by law, but shall be construed as additional legislation to be utilized under the conditions herein set forth during the effective period of this Act: *And provided further*, That this Act shall be applicable under the conditions herein set forth to awards of contracts upon which competitive bids have been heretofore requested or received as a result of which contracts have not been awarded.

Approved, March 5, 1940.

221749—40

**II. Executive order—Certain vital military and naval installations and equipment defined.**—The following Executive Order (No. 8381) is published for the information and guidance of all concerned:

### EXECUTIVE ORDER

#### DEFINING CERTAIN VITAL MILITARY AND NAVAL INSTALLATIONS AND EQUIPMENT

WHEREAS section 1 of the act of January 12, 1938, 52 Stat. 3,<sup>1</sup> provides:

"That, whenever, in the interests of national defense, the President shall define certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such vital military and naval installations or equipment without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, and promptly submitting the product obtained to such commanding officer or higher authority for censorship or such other action as he may deem necessary. Any person found guilty of a violation of this section shall upon conviction be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment."

NOW, THEREFORE, by virtue of the authority vested in me by the foregoing statutory provisions, and in effectuation of the purposes of the said act of January 12, 1938, I hereby define the following as vital military and naval installations or equipment requiring protection against the general dissemination of information relative thereto:

1. All military or naval installations and equipment which are now classified, designated, and marked under the authority or at the direction of the Secretary of War or the Secretary of the Navy as "secret", "confidential", or "restricted", and all military or naval installations and equipment which may hereafter be so classified, designated, and marked with the approval or at the direction of the President, and located within:

(a) Any military or naval reservation, post, arsenal, proving ground, range, mile field, camp, fort, yard, station, district, or area.

(b) Any defensive sea area heretofore or hereafter established and existing under authority of section 44 of the United States Criminal Code, as amended by the act of March 4, 1917, 39 Stat. 1194 (U.S.C., title 18, sec. 96).

(c) Any airspace reservation heretofore or hereafter established and existing under authority of section 4 of the Air Commerce Act of 1926 (44 Stat. 570, U.S.C., title 49, sec. 174).

(d) Any naval harbor closed to foreign vessels.

(e) Any area required for fleet purposes.

(f) Any commercial establishment engaged in the development or manufacture of military or naval arms, munitions, equipment, designs, ships, or vessels for the United States Army or Navy.

2. All military or naval aircraft, weapons, ammunition, vehicles, ships, vessels, instruments, engines, manufacturing machinery, tools, devices, or any other equipment whatsoever, in the possession of the Army or Navy, or in the course of experimentation, development, manufacture, or delivery for the Army or Navy, which are now classified, designated, and marked under the authority or at the direction of the Secretary of War or the Secretary of the Navy as "secret", "confidential", or "restricted", and all such articles, materials, or equipment which may hereafter be so classified, designated, and marked with the approval or at the direction of the President.

3. All official military or naval books, pamphlets, documents, reports, maps, charts, plans, designs, models, drawings, photographs, contracts, or specifications, which are now marked under the authority or at the direction of the

<sup>1</sup> Published in section I, Bulletin No. 1, War Department, 1938.

ANNEX Y

3

[BULL. 3]

Secretary of War or the Secretary of the Navy as "secret", "confidential", or "restricted", and all such articles or equipment which may hereafter be so marked with the approval or at the direction of the President.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
March 22, 1940.

BY ORDER OF THE SECRETARY OF WAR:

G. C. MARSHALL,  
Chief of Staff.

OFFICIAL:  
E. S. ADAMS,  
Major General,  
The Adjutant General.



ANNEX Y

Mr. PETTENGILL. I am very happy to join in the request of the gentleman from New York that the speeches be placed in the Record.

Mrs. O'DAY. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and include a brief letter from me to Senator BORAH, together with his reply.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and include therein a short editorial appearing in the Star.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and include therein a brief address by Francis Gorman.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. THOMAS of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and include therein a statement by an eminent physician in New Jersey on the socialization of medicine.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. GIFFORD. Mr. Speaker, I should like to submit a unanimous consent request, and if it does not meet with the approval of the majority leader I hope he will so state.

Mr. Speaker, I ask unanimous consent that I may address the House for 10 minutes at this time, in order to make a few comments on the Budget message.

The SPEAKER. If the gentleman from Massachusetts will withhold his request for a moment, the Chair has agreed to recognize the gentleman from Kentucky, the acting chairman of the Committee on Military Affairs [Mr. MAY], to ask unanimous consent for the consideration of a bill which he believes to be of considerable importance. The Chair will recognize the gentleman from Massachusetts immediately after this matter is disposed of.

#### EXTENSION OF REMARKS

Mr. Speaker, I ask unanimous consent to include therein an address by Secretary of Agriculture, Mr. Henry A. Wallace.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

#### MILITARY AND NAVAL DEFENSIVE INSTALLATIONS

Mr. MAY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1485) to prohibit the making of photographs, sketches, or maps of vital military and naval defensive installations and equipment, and for other purposes, and I also ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

Mr. O'MALLEY. Mr. Speaker, reserving the right to object, what is the content of the bill?

Mr. SNELL. Let the bill be reported so we may know what it is.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BOILEAU. Mr. Speaker, reserving the right to object, I wish the gentleman from Kentucky would explain briefly

the necessity for considering the measure at this time, instead of having it brought up in the usual way.

Mr. MAY. Mr. Speaker, I shall be delighted to make such an explanation. As stated in the title, this is a bill to prohibit photographing or making sketches and maps of military posts and naval defenses. The bill was passed by the Senate some months ago, perhaps a year ago. A special request was made by the President that the Committee on Military Affairs report the bill, which was done during the last special session. The bill is of vital importance, and ought to be considered now.

Mr. BOILEAU. Have we not similar legislation on the statute books at this time?

Mr. MAY. Nothing covering this particular subject, that provides any penalty. I may say to the gentleman this bill is not aimed at any particular person, country, or section. It covers a subject which the President believes is of importance at this time.

Mr. BOILEAU. I have understood we have similar legislation on the statute books. I know practically every country in the world has similar legislation. We read in the papers every once in a while about some American citizen being arrested in a foreign country for taking photographs or making sketches of fortifications. I have assumed we have similar legislation on the statute books of this country. Will the gentleman say definitely we do not have any legislation at the present time covering this general field?

Mr. MAY. No; I do not say that. I say this bill amends and strengthens existing legislation, and provides a penalty by both fine and imprisonment and thus makes existing law effective.

Mr. BOILEAU. That is what I want to know, and I think the House is entitled to such information before we act on the proposed legislation. In just what respect does it strengthen the present law and what is the necessity for the legislation? We now have general legislation on the subject and I would like to know what particular phase of the legislation is dealt with in the proposal of the gentleman.

Mr. MAY. For the gentleman's information I say that it has come to the attention of the War Department and the President that numerous photographs have been made of the fortifications of the United States in Honolulu, Manila, and along the Pacific coast, and, of course, the gentleman is aware of the situation that exists in the East.

Mr. BOILEAU. Yes; but I would like to have information largely upon the question of whether or not we now have legislation that prohibits such action.

Mr. MAY. We do not have legislation covering these particular outlying posts that can be made effective for the reason that existing law provides no penalties for violation and without that the law is toothless and ineffective.

Mr. BOILEAU. Is that the only difference?

Mr. MAY. That is the material difference.

Mr. BOILEAU. The legislation now on the statute books applies to fortifications in continental United States and this proposed legislation extends that to the islands?

Mr. MAY. That is exactly the situation.

Mr. BOILEAU. That is the only purpose of the legislation?

Mr. MAY. That is right, except as I have already stated we are putting teeth in this bill.

Mr. EDMISTON. The gentleman is mistaken, I believe—

Mr. BOILEAU. The gentleman from West Virginia states that the gentleman from Kentucky is mistaken. I wonder what the fact is?

Mr. EDMISTON. This legislation applies to continental United States just the same as to the islands.

Mr. MAY. It applies to continental United States, but covers also the outlying possessions.

Mr. BOILEAU. The gentleman stated a moment ago—and I am wondering if the gentleman is in error in that respect—that the present law deals only with the United States, while the proposed law deals with the United States and the outlying possessions.

Mr. EDMISTON. The present law with respect to the United States is not strict enough to prohibit the photographing of our coast defenses.

Mr. BOILEAU. I want to get information as to whether or not the present law prohibits the photographing of the defense fortifications of this country.

Mr. EDMISTON. The present law prohibits it, but there is not any penalty. You cannot prevent anyone from making such photograph except a soldier can say, "Do not do that, soldier, move on."

Mr. BOILEAU. Is the only purpose of this proposal to provide a penalty?

Mr. EDMISTON. To provide a penalty and stop the taking of pictures of our national defenses, both in this country and in our possessions.

Mr. BOILEAU. That is all that is prohibited, and it is now contrary to law to take such photographs or sketches?

Mr. EDMISTON. But with no penalty provided.

Mr. BOILEAU. And the only difference is that the proposed legislation places a penalty upon such acts?

Mr. EDMISTON. That is right.

Mr. MAY. In other words, a penalty is provided; and a statute without a penalty, of course, is ineffective.

Mr. BOILEAU. And that is the only difference?

Mr. MAY. That is one difference, and also the law is extended to cover outlying possessions and the Panama Canal.

Mr. BOILEAU. Does not existing law prohibit the taking of such photographs?

Mr. MAY. Yes; but without penalty.

Mr. BOILEAU. Does present law prohibit the taking of such photographs in the outlying possessions?

The regular order was demanded.

Mr. BOILEAU. Mr. Speaker, I think we are entitled to know the situation, and if the regular order is insisted upon I shall object to the present consideration of the bill. The gentleman from Kentucky and the gentleman from West Virginia are making conflicting statements, and while I know there is no intention to deceive the Members of the House, I think we ought to have a clear-cut statement of what the proposal is. The gentleman from Kentucky states that the present law applies only to continental United States and does not provide a penalty. I understood the gentleman from West Virginia to say that the present law also prohibits the taking of these photographs in the Panama Canal, Hawaii, and so forth. Is that true?

Mr. EDMISTON. No; I think the gentleman misunderstood me.

Mr. BOILEAU. Then the only difference between the proposed legislation and existing law is that the present law prohibits the taking of these photographs and sketches only within continental United States, while this amendment extends that to the Panama Canal and Hawaii and other possessions, and provides a penalty.

Mr. EDMISTON. Both there and in the United States.

Mr. BOILEAU. Is that the only difference between existing law and this bill?

Mr. EDMISTON. That is correct.

Mr. MAY. The difference is that this bill provides a penalty of a fine of \$1,000 and imprisonment, within the discretion of the court.

Mr. COLDEN. Reserving the right to object, Mr. Speaker, I want to say to the gentleman from Kentucky that in my town of San Pedro, Calif., is Fort MacArthur. The gate to that fort is open every day of the year as far as I know. I have driven in there hundreds of times without anybody stopping me and have taken visitors there. I have taken them to a spot where they could look over the big guns of that fort, and so far as I know there are very few, if any, restrictions as to taking pictures and things of that sort. A bill restricting or preventing that sort of thing, I believe, is quite necessary.

Mr. MAY. That is correct, and I appreciate the splendid contribution of the gentleman from California.

Mr. O'MALLEY. Mr. Speaker, I reserve the right to object. The gentleman says that the bill was passed in the Senate almost a year ago.

Mr. MAY. I was mistaken in that. It was on February 24, 1937, not yet a year.

Mr. O'MALLEY. Will the gentleman tell us, if this bill is so important, where it has been since February last?

Mr. MAY. It has been in the possession of the Military Affairs Committee of the House but their attention was not called to it during the last session except at the time the bill was reported out, and the President wrote a letter asking immediate consideration of it when he was on vacation down South and called attention to some very vital things that should be taken care of. I think the gentleman must be aware of what is going on in China.

Mr. O'MALLEY. Does the gentleman know whether the military authorities of this country were familiar with what has been going on during the last few weeks, whether they have known that this photographing and mapping has been going on for a long time and have failed to inform the House Committee on Military Affairs?

Mr. MAY. I do not know what knowledge the War Department had or that the Navy Department had, except in a general way. They had been trying with the existing statute to enforce the law as best they could, but there was no penalty attached to it and it was ineffective. This bill takes care of that situation.

Mr. O'MALLEY. But up to now they have been satisfied with the old statute?

Mr. MAY. The whole situation has changed in the last few months and these new conditions make this legislation more imperative, and I hope the gentleman will not object.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. MAY. Yes.

Mr. SNELL. As I understand the object of this legislation, it is very pertinent and ought to be passed at once, and the only regret is that this legislation was not passed 4 or 5 years ago. The quicker it is done the better it will be for the country.

Mr. MAY. I am in thorough accord with the distinguished gentleman from New York.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That, whenever, in the interests of national defense, the President shall define certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such vital military and naval installations or equipment without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, and promptly submitting the product obtained to such commanding officer or higher authority for censorship or such other action as he may deem necessary. Any person found guilty of a violation of this section shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

SEC. 2. Any person who uses or permits or procures the use of an aircraft for the purpose of making a photograph, sketch, picture, drawing, map, or graphical representation of vital military or naval installations or equipment, in violation of the preceding section, shall be liable to the penalty therein provided.

SEC. 3. On and after 30 days from the date upon which the President defines any vital military or naval installation or equipment as being within the category contemplated under the first section of this act it shall be unlawful for any person to reproduce, publish, sell, or give away any photograph, sketch, picture, drawing, map, or graphical representation of the vital military or naval installations or equipment so defined, without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, unless such photograph, sketch, picture, drawing, map, or graphical representation has clearly indicated thereon that it has been censored by the proper military or naval authority. Any person found guilty of a violation of this section shall be punished as provided in the first section of this act.

SEC. 4. The term "aircraft" as used in this act means any contrivance known or hereafter invented, used, or designed for navigation or flight in the air. The expression "post, camp, or station" as used in this act shall be interpreted to include naval vessels, military and naval aircraft, and any separate military or naval command.

SEC. 5. The provisions of this act shall extend to all Territories, possessions, and places subject to the jurisdiction of the United States, whether contiguous thereto or not, and offenses under this act when committed upon or over the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States and outside the territorial limits thereof shall be punishable hereunder.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 2, line 5, after the word "shall", insert the words "upon conviction", and on page 3, line 3, after the word "shall", insert the words "upon conviction."

The committee amendments were agreed to, and the bill, as amended, was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. GIFFORD. Mr. Speaker, I renew my request to address the House for 10 minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

#### THE BUDGET

Mr. GIFFORD. Mr. Speaker, it has been my custom during the past 2 or 3 years, because of my position on the Expenditures Committee, to comment on messages pertaining to the Budget. I doubt if there is anyone who looked forward to the reading of this Budget message today with more interest than I, because for several years I have laid these messages in line on my desk for the sake of comparisons. I take these 10 minutes at this time, because I desire my remarks to follow the Budget message presented a short while ago.

I shall perhaps later on extend my remarks, but I hope to say something that will induce you to read that Budget message very carefully.

Our interest can only be aroused sometimes by some startling statement or caricature. Of course, many of you saw the cartoon in this morning's Washington Post. It pictures a personified Budget message from the White House accompanied by the President, but there is another one following behind labeled "1933." The Budget message of today says to the President, "Don't look now, but I think we are being followed." They were indeed being followed. It was the specter of the 1933 Budget—carrying the language of your President at that time—and do not think that we Republicans will forget it. He said then:

For 3 long years the Federal Government has been on the road toward bankruptcy. Too often in recent history liberal governments have been wrecked on rocks of loose fiscal policy. We must avoid this danger.

That was followed by a pledge to the American people that he would reduce the ordinary regular expenses of the Government 25 percent.

Mr. Speaker, what manner of man is this who could so change his views and his acts? We on the Republican side gave him full cooperation to carry out that pledge. We followed him consistently until he went in exactly the other direction. I stated here, just 1 year ago, that a \$7,000,000,000 government had now been permanently established. That was the time of my remarks at that time. In the message of the day before yesterday the President himself said that our future Government will always cost us not less than \$7,000,000,000, unless we curtail necessary expenses. Of course, much was not necessary under a former administration, but seems very necessary to the present regime. I can sympathize with him somewhat, because in March 1933, after a terrible 4 months' guessing what he might do for or to the country, we were in pretty bad shape. Lest I be too serious this quatrain taken from some magazine may illustrate the point:

She was pensive when he met her,  
Sickness sat upon her brow,  
But his checkbook made her happy,  
And she is ex-pensive now.

The President has learned that having once begun giving checks he cannot stop; seemingly he has no desire to stop. I hope that these observations and criticisms will at least induce you to check up on promises and estimates made in the Budget presentations during the past 3 years.

I was greatly amused this morning to read the statement by Mr. Eccles, who is your President's first and foremost adviser on financial matters. He practically controls the Federal Reserve Board and the banks of the country, does he not? How he has shocked the bonus-paying members. He said that if the Federal Government would spend \$1,000,000,000 more, now, in printing the pump we could end this recession in business. After expending some \$8,000,000,000, each year, only a fraction additional, or \$1,000,000,000, would seemingly be of little avail at this time. The only possible way might be a subsidy, pure and simple, to bribe business to go forward. Certainly no expenditure of only one billion to prime the pump by further discredited experiments of Government bureaus will ever bring it about. In 2 months business has dropped like a rocket, taken a drop that took 8 months in that avalanche of 1929. We are thankful that the gains of last week indicate that the rocket has slackened its headlong plunge. As yet, nothing but gasoline has been turned on the fire. Ickes and Jackson were pouring it on with genuine gusto. No one seems able fully to convince himself as to whether on Monday the President asked cooperation or demanded acquiescence. Today we are here to listen to his Budget message. I have here the estimates and the results of the past 6 years. The President promised us 2 years ago that in 1938 the Budget would surely be balanced, yet this morning he says it will be nearly \$2,000,000,000 out of balance. He now says that in 1939 it will still be at least \$900,000,000 out of balance—and, of course, he paints the picture in as favorable a light as possible. We may reasonably look for another two billion at that time.

Much of his message this afternoon was apologetic. How difficult to estimate 6 months or a year ahead! I shall ask you to scan the estimates given to us last year. We see that where he was to get millions from special sources, such as the unjust enrichment tax, he collected only thousands, and where he was to obtain millions from taxes on the carriers and their employees, he again received only thousands. It would seem to be an inexcusable estimate with which we were regaled the last 2 years.

And, in the light of those recent Budget messages, what confidence can you, I, and business have today in his estimate as to the true state of the Nation's financial outlook? What did he say today concerning the condition of the corporate devices set up and guaranteed by the Government? He does suggest that we appropriate to cover the huge losses by, or rather the diversion of the funds of, the Reconstruction Finance Corporation, to which I have so often referred.

We can well believe our President when he states that it is most difficult for him to make correct estimates so long ahead. Certainly he has demonstrated that.

When the President faced us day before yesterday he declared that he would never tolerate a dole, and that he was sure no legislator would dare favor one. Many of us dare to say that we could call it unemployment insurance, thereby relieving him wholly of the stigma of the more unpopular title. Certainly we have reason to believe that he himself believes in unemployment insurance, which is really just another name for sickness insurance. Yet he wishes to continue to spend dollars for relief out of which only 61 cents reaches the pockets of the reliever. I know that this statement has been challenged, but Mr. Hopkins seems to have been forced to agree that the proper estimate was no more than 69 cents. Shall we continue that sort of public spending?

Because of a determined and prejudiced opinion, the President will pay no attention to the businessmen of the country, who advised him sometime ago at the conference at Warm Springs that direct relief was the better method, as proven by the experience of other nations. For this reason, I cannot help but think he has primarily a political mind, which at this particular time is most unfortunate for the country.



United States to provide funds for the payment of the Federal Government's share of the assessment levied against property owners in the benefited district for the widening and improvement of East Fifth Street in Cincinnati, and to provide funds annually for the payment of boulevard light assessments along its property on the same basis as other property owners; to the Committee on Appropriations.

3717. By Mr. FORD of California: Resolution of the Board of Supervisors of the County of Los Angeles, protesting to the National Resources Committee toward having a cloud placed upon the worthiness and need of the flood control and water conservation projects of the county of Los Angeles as covered in the authorization bill of June 22, 1936, by the statements or action of any Federal agency not in possession of the true facts, and requesting that the National Resources Committee expunge the statements of Mr. White from the record of the Chicago meeting so that they may not later be encountered as an obstacle in the county's attempts to secure Federal aid for the completion of these projects on the same footing as all other communities in the United States having authorized projects under the same act; to the Committee on the Judiciary.

3718. Also, resolution of the Board of Supervisors of Kern County, Calif., urging that everything possible be done to expedite the start of construction work on the southern end of the Central Valley project, so as to provide much needed work for thousands of people now in need of jobs and to restore credit to lands now deprived of the same for lack of a stable water supply; to the Committee on Appropriations.

3719. By Mr. MERRITT: Resolution of the Greenpoint Post, No. 241, of the American Legion, Kings County, N. Y., protesting against the United States entering into reciprocal-trade agreements and concessions with Czechoslovakia or with any other foreign country which will permit foreign-made goods manufactured under prevailing foreign conditions of low wages and long hours to be sold in competition with American-made goods manufactured under conditions which permit the high American standard of living and labor; to the Committee on Foreign Affairs.

3720. By Mr. MURDOCK of Utah: Petition of the Uintah Basin Railroad League, Moffat Tunnel League; to the Committee on Interstate and Foreign Commerce.

3721. By Mr. SADOWSKI: Petition of Local No. 155, United Automobile Workers of America, Detroit, Mich., endorsing expansion of the Works Progress Administration, comprehensive minimum wages and maximum hours bill, farm legislation, housing program, regional Tennessee Valley Authority, and curbing of high monopoly prices; to the Committee on Appropriations.

3722. Also, petition of Local Union No. 58 of the International Brotherhood of Electrical Workers, Detroit, Mich.; to the Committee on Appropriations.

3723. By Mr. SUTHLIN: Petition of grand lodge officers of the grand lodge, Knights of Pythias of New Jersey, urging adoption of an amendment now before Congress exempting fraternal organizations from the provisions of the Social Security Act; to the Committee on Ways and Means.

3724. By the SPEAKER: Petition of the Board of Supervisors of Milwaukee County, Wis., petitioning consideration of their resolution dated December 14, 1937; to the Committee on Appropriations.

## SENATE

THURSDAY, JANUARY 6, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

H. STYLES BRIDGES, a Senator from the State of New Hampshire, appeared in his seat today.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar

day Wednesday, January 5, 1938, was dispensed with, and the Journal was approved.

### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the bill (S. 2575) to increase the efficiency of the Coast Guard.

The message also announced that the House had passed the bill (S. 1435) to prohibit the making of photographs, sketches, or maps of vital military and naval defensive installations and equipment, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 7158. An act to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended;

H. R. 7803. An act to amend paragraph (1) of section 96 of title 2 of the Canal Zone Code relating to method of computing annuities; and

H. R. 8236. An act authorizing the Secretary of the Treasury to exchange sites at Miami Beach, Dade County, Fla., for Coast Guard purposes.

### CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Dietrich	Lewis	Pepper
Ashurst	Donahay	Lodge	Pittman
Bailey	Duffy	Logan	Pope
Bankhead	Eliender	Loung	Reynolds
Barkley	Frazier	Lundeen	Russell
Berry	George	McAdoo	Schwartz
Borah	Gibson	McCartan	Schwellenbach
Bridges	Gillette	McGill	Sheppard
Brown, Mich.	Glass	McKellar	Shipstead
Bulkeley	Graves	McNary	Smathers
Bulow	Guffey	Maloney	Smith
Byrd	Harrison	Miller	Stewart
Byrnes	Hatch	Minton	Thomas, Utah
Capper	Hayden	Moore	Thomson
Caraway	Herring	Murray	Truman
Chavez	Hitchcock	Neely	Tydings
Clark	Holt	Norris	Vandenberg
Connally	Johnson, Colo.	Nye	Van Nuys
Copeland	King	O'Mahoney	Wagner
Davis	La Follette	Overton	Waelser

Mr. MINTON. I announce that the Senator from Rhode Island [Mr. GREEN] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from Washington [Mr. EDEL] and the Senator from Maryland [Mr. RADCLIFFE] are absent because of deaths in their families.

The Senator from Nebraska [Mr. BURKE] is absent on official business as a member of the committee appointed to investigate certain conditions in Puerto Rico.

The Senator from Florida [Mr. ANDREWS], the Senator from Mississippi [Mr. BRILE], the Senator from New Hampshire [Mr. BROWN], the junior Senator from Oklahoma [Mr. LEE], and the senior Senator from Oklahoma [Mr. THOMAS] are unavoidably detained from the Senate.

Mr. GIBSON. I announce that my colleague the senior Senator from Vermont is necessarily absent, on official business, by the Vice President of the Senate.

The VICE PRESIDENT. All Senators have answered to their names. A quorum is present.

### PROHIBITION OF PHOTOGRAPHS, ETC., OF MILITARY AND NAVAL INSTALLATIONS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1435) to prohibit the making of photographs, sketches, or maps

ANNEX 4



of vital military and naval defensive installations and equipment, and for other purposes, which were, on page 2, line 5, after "shall", to insert "upon conviction", and on page 3, line 2, after "shall", to insert "upon conviction."

Mr. SHEPPARD. I move that the Senate concur in the House amendments.

The motion was agreed to.

#### REPORT OF NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read and referred to the Committee on Naval Affairs, as follows:

*To the Congress of the United States:*

In compliance with the provisions of the act of March 3, 1915, establishing the National Advisory Committee for Aeronautics, I transmit herewith the twenty-third annual report of the Committee covering the fiscal year ended June 30, 1937.

FRANKLIN D. ROOSEVELT.

The WHITE HOUSE, January 6, 1938.

(NOTE.—Report accompanied similar message to the House of Representatives.)

#### REPORT OF THE GOVERNOR OF THE PANAMA CANAL

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Inter-oceanic Canals, as follows:

*To the Congress of the United States:*

I transmit herewith, for the information of the Congress, the annual report of the Governor of the Panama Canal for the fiscal year ended June 30, 1937.

FRANKLIN D. ROOSEVELT.

The WHITE HOUSE, January 5, 1938.

#### REPORT OF NATIONAL LABOR RELATIONS BOARD

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the annual report of the Board for the fiscal year ended June 30, 1937, together with volume II of the decisions and a list of the personnel employed by the Board, which, with the accompanying report, was referred to the Committee on Education and Labor.

#### REPORT OF NATIONAL BOARD FOR PROMOTION OF RIFLE PRACTICE

The VICE PRESIDENT laid before the Senate a letter from the Secretary of War, transmitting, pursuant to law, the annual report of the activities of the National Board for the Promotion of Rifle Practice for the fiscal year ended June 30, 1937, which, with the accompanying report, was referred to the Committee on Military Affairs.

#### REPORT OF RECONSTRUCTION FINANCE CORPORATION

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Reconstruction Finance Corporation, transmitting, pursuant to law, report of the Corporation for the month of November 1937, including statement of loan and other authorizations made during the month, showing the name, amount, and rate of interest or dividend in each case, which, with the accompanying report, was referred to the Committee on Banking and Currency.

#### WIRE OR RADIO COMMUNICATIONS LEGISLATION

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, report on the subject of whether or not any new wire or radio communication legislation is required better to insure safety of life and property, which was referred to the Committee on Interstate Commerce.

#### LAWS OF MUNICIPAL COUNCIL OF ST. CROIX, VIRGIN ISLANDS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting, pursuant to law, copies of laws enacted by the Municipal Council of St. Croix at recent meetings, which, with the accom-

panying papers, was referred to the Committee on Territories and Insular Affairs.

#### REPORT OF UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS

The VICE PRESIDENT laid before the Senate a letter from the Attorney General, transmitting, pursuant to law, a report of the expenditures under appropriations for the United States Court of Customs and Patent Appeals for the fiscal year ended June 30, 1937, which, with the accompanying report, was referred to the Committee on the Judiciary.

#### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a telegram from the Dearborn (Mich.) Pioneers Club, expressing confidence in the policies of Henry Ford, which was ordered to lie on the table.

Mr. BULKLEY presented a resolution of the House of Representatives of the State of Ohio, memorializing the President and Congress to continue the Works Progress Administration in Ohio, which was referred to the Committee on Education and Labor.

(See resolution printed in full when laid before the Senate by the Vice President on the 5th instant, p. 54, CONGRESSIONAL RECORD.)

Mr. SHEPPARD presented a resolution adopted by the Centerville Baptist Church Sunday School, of Jayton, Tex., favoring the enactment of House Joint Resolution 190, proposing an amendment to the Constitution of the United States to provide for a referendum on war, which was referred to the Committee on the Judiciary.

Mr. TYDINGS presented memorials of sundry citizens of the States of Maryland and Pennsylvania, remonstrating against the enactment of legislation imposing any excise or processing taxes on food products, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Baltimore, Md., praying for the enactment of the bill (H. R. 2257) to provide old-age compensation for the citizens of the United States, and for other purposes, which was referred to the Committee on Finance.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMATHERS:

A bill (S. 3177) to provide for the appointment of an additional district judge for the district of New Jersey; to the Committee on the Judiciary.

By Mr. McKELLAR:

A bill (S. 3178) for the relief of Joy Montgomery (with accompanying papers); to the Committee on Claims.

A bill (S. 3179) granting a pension to Lettie N. Cooper (with accompanying papers); to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 3180) for the relief of E. W. Jones; to the Committee on Claims.

By Mr. FRAZIER:

A bill (S. 3131) for the relief of Leslie Truax; to the Committee on Claims.

By Mr. BAILEY:

A bill (S. 3182) for the relief of L. D. Harper; to the Committee on Claims.

By Mr. DUFFY:

A bill (S. 3183) to authorize the conveyance of the old lighthouse keeper's residence in Manitowoc, Wis., to the Otto Oas Post, No. 659, Veterans of Foreign Wars of the United States, Manitowoc, Wis.; to the Committee on Commerce.

By Mr. BARKLEY:

A bill (S. 3184) to provide for the establishment of a commissary or vending stand in the Washington Asylum and Jail; to the Committee on the District of Columbia.

By Mr. BULOW:

A bill (S. 3185) for the relief of Fred G. Davis; to the Committee on Claims.